

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.285 OF 2016

ORDER:

This Transfer Criminal Petition is filed under Section 407 of Cr.P.C. seeking to withdraw D.V.C.No.13 of 2016 pending on the file of Judicial Magistrate of First Class, Adilabad and transfer the same to Medak for disposal in accordance with law on the ground that the petitioner is working as Assistant Engineer (Operation) at Chinna Koduru Mandal, Siddipet District and his presence is required at Chinna Koduru Mandal to attend disruption of power supply in the mandal and sometimes, he has to attend the urgent work at the place of working and therefore, sought for withdrawal and transfer the matter on the above ground.

It is also contended that 1st respondent is residing at Ramayampet with her junior paternal uncle only for the purpose of filing D.V.C. at Adilabad and prayed to withdraw the same and transfer to Medak

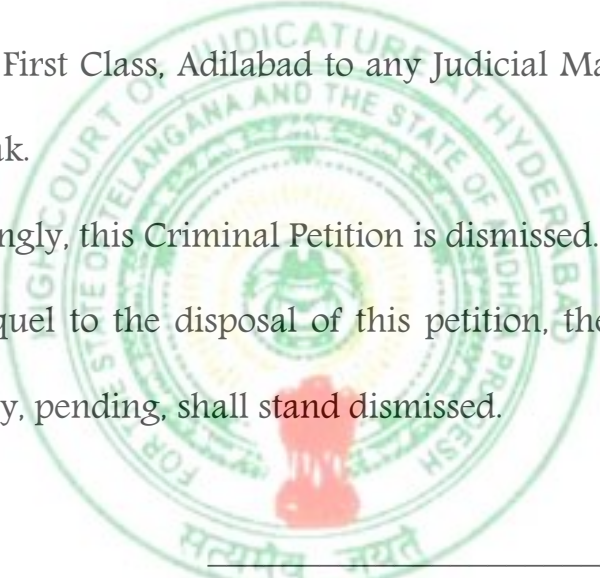
Petitioner is a male, husband of the first respondent and well placed as Assistant Engineer in TSSPDCL earning sufficiently while residing at Chinna Koduru Mandal, Siddipet District but surprisingly has sought for withdrawal of D.V.C. and transfer the same to court of Judicial Magistrate of First Class, Adilabad, as his presence at the place of work though necessary, he can apply for leave and attend the court and even otherwise, as per judgment of this court in *GIDUTHURI KESARI KUMAR AND OTHERS v. STATE OF*

TELANGANA AND ANOTHER ⁽¹⁾, the proceedings under this Act is purely civil in nature and presence of petitioner is not always necessary. In such a case, presence of petitioner on all dates is unnecessary, he can be represented by an advocate at Adilabad.

In those circumstances, the requirement of his presence at Chinna Koduru Mandal, Siddipet District is not a ground to withdraw D.V.C and transfer the same to Medak where the petitioner is not actually residing. Therefore, I find no grounds to withdraw and transfer the D.V.C. from the court of Judicial Magistrate of First Class, Adilabad to any Judicial Magistrate of First Class, at Medak.

Accordingly, this Criminal Petition is dismissed.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



JUSTICE M.SATYANARAYANA MURTHY

Dated 8-11-2016.

Dvs.

¹ 2015 (2) ALD (Cr.) 470

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Dated 8-11-2016.

Dvs