

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

TRANSFER CRIMINAL PETITION Nos.119 & 150 of 2016

COMMON ORDER:

These transfer criminal petitions under Section 407 Cr.P.C. are filed by the petitioner/husband seeking to transfer D.V.C.No.1 of 2016 and M.C.No.33 of 2015 respectively pending on the file of Additional Judicial Magistrate of First Class at Siddipet town, Medak to any other Court of another District.

2. Heard learned counsel for the petitioner and learned counsel for the respondent/wife.

3. The main allegation made by the petitioner herein who is the respondent in DVC and M.C. cases, is that the brother of the respondent/wife is a practicing advocate in the Bar and therefore he is not allowing to cross-examine the respondent. It is the further submission of learned counsel for the petitioner that the presiding officer is unnecessarily interfering with the cross-examination. Hence, the matter may be transferred from the file of Additional Judicial Magistrate of First Class at Siddipet town, Medak to any other Court of another district.

4. Learned counsel for the respondent/wife resisted the said allegations and submits that a report was also called from the learned Magistrate in D.V.C.No.01 of 2016.

5. A perusal of the entire material shows that the petitioner/husband has nurtured his grievance that he has not been allowed to cross-examine the witness. No specific allegation is made in the petitions and what is alleged in the petitions are as under :

“ I submit that since, the learned magistrate interfered with the cross-examination, it was manifest upon my counsel to request for deferment of the case, but the court did not conceive to such request had started to quarrel with my counsel hence, my counsel recorded that he is not satisfied with the behaviour of the court, without giving him the opportunity of cross examining the witness and hence, recorded his statement that he is going to file a transfer petition before the Hon’ble High Court.”

6. A reading of the said allegations do not at any rate show that any prejudice would be caused to the petitioner, if the cases are not transferred. If

the cases are transferred on such vague and bald allegations, no Court can try the cases. There are no merits in the petitions and the same are liable to be dismissed.

7. Accordingly, the Transfer Criminal Petitions are dismissed.

8. Miscellaneous petitions, if any, pending in these transfer criminal petitions shall stand closed.

M.S.K.JAISWAL,J

Date: 20.06.2016

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