

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.327 OF 2016

ORDER:

This transfer criminal petition is filed under Section 407 of Cr.P.C with a request to withdraw D.V.C.No.5 of 2011 pending on the file of Judicial Magistrate of First Class, Sultanabad, Karimnagar District and transfer the same to any other competent Court at Siddipet, Medak District.

The case of the petitioner is that he is an advocate recently enrolled and that whenever he attends the Court at Sultanabad, the men of the 2nd respondent, who are financially sound and supported by muscle power threatening him with dire consequences.

As seen from para 4 of the affidavit, it is specifically alleged that whenever he attend the Court at Sultanabad in connection with the above case and while coming back to Sultanabad bus stop for regular adjournments, the 2nd respondent and her family members along with henchmen were tried to attack him several times and that he is facing life threat from different corners.

Except a bald allegation in para 4 of the affidavit no material is brought on record complaining about the threat being faced by the petitioner, who is an advocate, either to the police or to the Presiding Officer of the Court. In the absence of any such material, it is difficult to accept the contention of the petitioner. In fact, the petitioner is not required to appear

before the trial Court on each and every date of adjournment since the trial of the cases under the Protection of Women from Domestic Violence Act are purely civil in nature and his presence on each and every date of adjournment cannot be insisted and the Court can pass an *exparte* order as held by this Court in **Giduthuri Kesari Kumar and others v State of Telangana, Rep.by Public Prosecutor¹**.

In the absence of any material before this Court, it is difficult to accept that there is threat to the life of the petitioner in the hands of the men of the 2nd respondent. However, if for any reason, the petitioner receive any such life threats from the men of the 2nd respondent, he can approach the Magistrate concerned and submit a complaint about the same. If the petitioner submits any such complaint regarding such threat in writing, the Magistrate concerned is directed to provide necessary police protection addressing a letter to the concerned police whenever he attend the Court in connection with D.V.C subject to bearing expenses, if any.

With the above observations, the transfer criminal petition is disposed of.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

27.12.2016
kvrn

¹ 2015 (2) ALD(Crl) 470