

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Transfer Criminal Petition No.198 of 2013

ORDER:

In this petition filed under Section 407 Cr.P.C., the petitioner/ accused seeks to transfer C.C.No.2 of 2013 from the Court of Principal District and Sessions Judge, Karimnagar to Metropolitan Sessions Courts, at Hyderabad or any other Court of competent jurisdiction.

2) The petitioner is the accused in C.C.No.2 of 2013 and facing charges under Section 420 IPC and Section 5 of A.P. Protection of Depositors of Financial Establishment Act, 1999. The petitioner's case is that after numbering of the case the information has reached to the de-facto complainant and other depositors and whenever he attended the Court the depositors tried to attack him and with great difficulty and with the help of police he used to come out of Court. On 10.07.2013 the matter was posted for his examination and on that day when he attended the Court 50 persons attended the Court and surrounded him and threatened that they would not allow him to leave unless their money was paid. Some of them manhandled him and threatened him to kill if the claims were not settled. He pleaded that there is life threat for him to attend the trial Court at Karimnagar and hence urged to transfer C.C. No.2/2013 from the Court of Principal District and Sessions

Judge, Karimnagar to Hyderabad.

3) Learned Public Prosecutor opposed the petition.

4) The point for determination is:

“Whether there are merits in this petition to allow?”

5) **POINT:** The petitioner seeks transfer of the case from Karimnagar to Hyderabad on the main plea that whenever he visits Karimnagar to attend the Court, the depositors use to surround him and manhandle him for their money. Admittedly, the case is pending in the Court of Principal District and Sessions Judge, Karimnagar. It appears the petitioner has not made any representation before the Principal District and Sessions Judge seeking protection to him. A perusal of copy of the charge sheet shows that 46 witnesses, most of whom are depositors, are cited by the prosecution. Since according to the petitioner the persons who used to surround him in the Court premises were the depositors, most of them can be said to be witnesses in the case and hence they can be identified and trial Court can take steps to see that protection is extended to petitioner. Hence, if a petition is filed by the petitioner before the Principal District and Sessions Judge, Karimnagar, he can direct the police to extend suitable security to the petitioner whenever he attends the Court at Karimnagar and thereby trial can be completed smoothly. On the other hand, if the case were to be transferred to a different place, it will be

difficult for the prosecution to carry large number of witnesses to a different place.

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6) Accordingly, this Transfer Criminal Petition is disposed of giving liberty to the petitioner to file a petition before the Principal District and Sessions Judge, Karimnagar seeking to direct the police to extend necessary police protection and in case such petition is filed, the Principal District Sessions Judge, Karimnagar shall, after due enquiry, pass necessary orders within three (3) days.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD

RAO, J

Date: 06-04-2016

Murthy / scs