

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Transfer Criminal Petition No.180 of 2013

Order:

_____ This Transfer Criminal Petition is filed by the *defacto*-complainant for transfer of C.C.No.237 of 2010 on the file of Additional Judicial First Class Magistrate, Sangareddy to any of the Criminal Courts in twin cities of Hyderabad.

2) Petitioner's case is that accused Nos.1 and 2 are her brother and sister-in-law and on 02.02.2009 they assaulted and beat her and threatened her to death. Then she made complaint against them and police of Ramachandrapuram PS, Medak District registered a case in Cr.No.41 of 2009 and after investigation laid charge sheet against them for the offences under Sections 323, 504 and 506 IPC. Her further case is that trial was commenced and she was examined as PW1 in chief and the matter came up for cross-examination, at that stage respondents 2 and 3/accused started pressurising her to remain absent and also to withdraw the case or else they will see her end if she attend the Court to face the cross-examination and hence her safety was in danger. She submitted that herself and accused were staying in the same premises but in different portions hence the accused are knowing her movements. Her further case is that on 14.09.2012 she filed a petition before the trial Court seeking adjournment on the ground that she was

prevented by the accused to attend the Court and she cannot return home apprehending danger to her life in the hands of accused. She stated in the petition that she is residing in BHEL and to attend the Court she has to travel 40 to 50 KMs by bus and she has an apprehended danger to her life in the hands of accused. On these submissions she filed the instant petition for transferring the case from the Court of Additional Judicial First Class Magistrate, Sangareddy to any other criminal court in twin cities of Hyderabad in the interests of justice.

3) Notice was served on the respondents. Today when the matter came up for hearing there is no representation on both sides.

4) A perusal of the petition and relevant record shows the petitioner is a lady and accused are her brother and sister-in-law and they are threatening her to withdraw the case by not attending the Court or else they will see her end and there is danger to her life. Admittedly, the petitioner is a lady and she is a medical practitioner. Her chief examination was completed before the trial Court on 19.01.2012 and mater was posted for cross-examination. The record further shows at that stage she filed CrI.P.No.1699 of 2012 stating that her chief examination was over and accused started threatening her with dire consequences for withdrawal of the case or for compromise otherwise they would see her end and on her request the matter was adjourned. Having regard to *prima*

facie case in her apprehension, I am of the considered view that her request has to be considered.

5) Accordingly, this Transfer Criminal Petition is allowed and C.C.No.237 of 2010 has been withdrawn from the Court of Additional Judicial First Class Magistrate, Sangareddy and transferred to the Court of VI Additional Chief Metropolitan Magistrate, Hyderabad for disposal according to law expeditiously.

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

U.DURGA PRASAD

RAO, J

Date: 31-03-2016

Murthy