

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.12 OF 2016

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ORDER:

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This Transfer Criminal Petition is filed under Section 407 of Code of Criminal Procedure (Cr.P.C.) to transfer M.C.No.40 of 2015 pending on the file of the Additional Judicial First Class Magistrate, Jaggayyapet, Krishna District, to the I Additional Judicial First Class Magistrate, Khammam, Khammam District.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner underwent depression and his mental condition is not well and that the petitioner has been under treatment and as such, it is highly impossible for the petitioner to attend all the hearing dates before the Court below. He further submits that the Court below directed the authorities concerned to conduct the medical tests on the petitioner herein. Hence, he prays this Court to transfer the maintenance case to Khammam, which is 52 kilometres away from Jaggayyapet, where the case is pending.

Considering the facts and circumstances of the case, M.C.No.40 of 2015 is transferred to the Court of I Additional Judicial First Class Magistrate, Khammam, Khammam District, from the Court of the Additional Judicial First Class Magistrate, Jaggayyapet, Krishna District. The petitioner herein has given an Undertaking before this Court while passing this Order that he will represent his case before the Court below on all hearing dates and whenever witnesses are produced by the first respondent herein, he has to cross-examine the witnesses and cooperate with the trial Court without seeking any adjournments. The Court of the I Additional Judicial First Class Magistrate, Khammam, Khammam District is directed to dispose of the case as early as possible, preferably within a period of six months.

The Transfer Criminal Petition is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

06.04.2016

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