

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2746 of 2015

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ORDER:

The present Criminal Revision Case came to be filed under Sections 397 and 401 Cr.P.C. challenging the order dated 23.10.2015 passed in CrI.M.P.No.354 of 2015 on the file of the Principal Sessions Judge, Warangal, wherein an application filed by the prosecution under Section 408 Cr.P.C. seeking transfer of C.C.No.112 of 2014 and D.V.C.No.2 of 2014 from the file of the Judicial Magistrate of First Class, Mulugu to the file of Judge, Family Court, Warangal, to be tried along with O.P.No.1134 of 2013, was dismissed.

The petitioner herein who is the husband of the second respondent herein, filed O.P.No.1134 of 2013 seeking divorce and the same is pending before the Judge, Family Court, Warangal. The second respondent herein lodged a report against the petitioner and his family members for an offence punishable under Section 498-A IPC which came to be numbered as C.C.No.112 of 2014 and she also filed D.V.C.No.2 of 2013 against the petitioner and his family members. Both the C.C. and D.V.C. are pending before the Court of Judicial Magistrate of First Class at Mulugu. While things stood thus, the petitioner filed an application under Section 408 Cr.P.C. seeking transfer of C.C. and D.V.C. to the Family Court, Warangal. The said application was rejected by the Principal Sessions Judge, Warangal. Challenging the same, the present revision is filed.

Learned counsel for the petitioner mainly submits that the

petitioner would be put to great inconvenience to attend the Courts at Mulugu and Warangal. He further submits that if the cases are transferred to one Court no prejudice would be caused to the second respondent.

As seen from the record, the petitioner is one of the accused in C.C.No.112 of 2014 and also one of the respondents in D.V.C.No.2 of 2014, which were filed by the second respondent ie.Motan @ Kadamanchi Sujatha, who is the wife of the petitioner. Both the cases are pending before the Court of Judicial Magistrate of First Class, Mulugu. The petitioner herein filed O.P.No.1134 of 2013 before the Judge, Family Court, Warangal, seeking divorce. Because of the pendency of the divorce case filed by him at Warangal, he seeks transfer of other two cases ie.C.C.No.112 of 2014 and D.V.C.No.2 of 2014 from the file of Judicial Magistrate of First Class, Mulugu to the file of Judge, Family Court, Warangal. The ground which was raised before the Sessions Court is that the sister of the petitioner by name Saritha, who is having two tender aged children and residing at Raghunathapally Village, is unable to attend the Court on every date of hearing. It is to be noted that Saritha has not filed any application seeking transfer on the ground of inconvenience. Hence, the petitioner, who is the husband of the second respondent herein, cannot seek transfer on the ground that his sister would be put to inconvenience. Further, since two cases pending at Mulugu, the application for transfer should have been otherwise.

Having regard to the facts and circumstances of the case,

I see no reasons to interfere with the order passed.

Accordingly, the Criminal Revision Case is dismissed. The

petitioner is always at liberty to avail the remedies, if any, available under law.

Miscellaneous petitions, if any, pending, shall stands closed.

C.PRAVEEN KUMAR,J

12.04.2016
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