

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.289 OF 2016

ORDER:

This transfer criminal petition is filed under Section 407 of Cr.P.C with a request to withdraw M.C.No.34 of 2016 pending on the file of I Additional Judicial Magistrate of First Class, Tenali, Guntur District and transfer the same to any other competent Court at Vijayawada.

It is the case of the petitioners that they are the married daughters of the 1st respondent residing at Vijayawada with their family members and thereby it is difficult for them to attend the proceedings before I Additional Judicial Magistrate of First Class at Tenali. It is also further contended that the sister's sons of the 1st respondent have threatened them with dire consequences that they should not attend the Court proceedings in M.C.No.34 of 2016 at Tenali, and that they being married women strongly believe that their safety is at risk if they attend the Court at Tenali. Therefore, they prayed for transfer of M.C. to any competent Court at Vijayawada.

It is evident from the record that the petitioners are the married daughters of the 1st respondent and they are living with their family members at Vijayawada and whereas the maintenance case is pending at Tenali and that the distance between Vijayawada and Tenali is about 35 kms approximately. Therefore, the petitioners are bound to experience inconvenience to attend the Court at Tenali, but it

is not a ground to withdraw and transfer the same to any competent Court at Vijayawada.

On the other hand, learned counsel for the respondent submitted that if the maintenance case is withdrawn from the Tenali Court and transferred to Vijayawada Court, the respondent will be put to irreparable loss and serious inconvenience caused at the old age of 65 years and that he has no means. Therefore, in view of more inconvenience being caused to the 1st respondent, I find that it is a fit case to direct the matter be tried by the I Additional Judicial First Class Magistrate, Tenali.

The another ground urged in the petition is that they are apprehending danger in the hands of sister's sons of the 1st respondent, but they did not disclose any such earlier incident of threat and no complaint was made either to the police or to the Magistrate concerned complaining about threat. In the absence of any material before this Court, it is difficult to accept that there is threat to their life in the hands of sister's sons of the 1st respondent. However, if for any reason, the petitioners receive any such life threats from the sister's sons of the 1st respondent, they can approach the Magistrate concerned and submit a complaint about the same. If the petitioners submit any such complaint regarding such threat, the Magistrate concerned is directed to provide necessary police protection addressing a letter to the concerned police

whenever they attend the Court in connection with M.C.No.34 of 2016 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

09.11.2016
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