

THE HON'BLE SRI JUSTICE RAJA ELANGO

Tr. Criminal Petition Nos.1, 2 and 3 of 2016

COMMON ORDER:

Since the issue involved in all these three criminal petitions is identical and the parties in all the cases are one and the same, they are being disposed of this common order.

The Transfer Criminal Petition Nos.1, 2 and 3 of 2016 are filed under Section 407 Cr.P.C. seeking to transfer C.C.No.210 of 2010, C.C.No.251 of 2009 and C.C.No.18 of 2011 respectively pending on the file of V Additional Junior Civil Judge's Court, Guntur from that Court to any other Court in Guntur.

Heard the learned counsel for the petitioners and the learned counsel for the respondent. Perused the record.

The main grievance of the petitioners herein is that the learned Magistrate before whom the cases are pending is not affording any opportunity to them to adduce further evidence and to cross-examine PW.1 and also to mark 16 more documents to substantiate their case and that the learned Magistrate closed the defence evidence and insisting to argue the cases. The petitioners apprehended that justice may not be rendered to them. On those grounds, the petitioners filed Tr.Crl.M.P.Nos.2290, 2292 and 2294 of 2015 before the learned Sessions Judge seeking transfer of the said cases from the Court of V Additional Junior Civil Judge, Guntur to any other Court. The learned Sessions Judge, on considering the facts and circumstances of the cases, dismissed the said petitions with a direction to the learned Junior Civil Judge to give one more opportunity to the petitioners in all the petitions to cross-examine PW.1 by recalling him on costs, which shall be

completed on one day and to permit the petitioner to mark 16 more documents through their witnesses. Being aggrieved by the said orders, the present transfer criminal petitions are filed.

Having perused the material on record and on hearing the learned counsel for the petitioners, this Court is of the view that the learned Sessions Judge has rightly justified in dismissing the petitions and the findings given by the learned Sessions Judge are but just and reasonable and do not suffer from any serious legal infirmity. If the petitioners have any grievance to the impugned orders, they may take recourse to challenge the same either by invoking the provisions under Section 482 Cr.P.C. or by way of revision before this Court. Mere apprehension of the petitioners that justice may not be rendered cannot be a ground to transfer the cases. Though the orders of the Sessions Judge are not conducive, there cannot be any ground for transfer of the case.

In the circumstances, this Court is not inclined to interfere with the proceedings before the trial Court, and hence, the transfer criminal petitions are liable to be dismissed.

Accordingly, the transfer criminal petitions are dismissed. However, it is made clear that as per the orders of the learned Sessions Judge in the orders impugned, it is for the Magistrate to permit the petitioners by fixing a date for the purpose of cross-examination and for marking of documents as sought for. In the event of failure on the part of the petitioners to avail the opportunity given by the trial Court for the said purpose, the Magistrate is always at liberty to proceed further in accordance with law.

As a sequel thereto, miscellaneous petitions, if any,

pending shall stand closed.

RAJA ELANGO, J

Date: 10-03-2016

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