

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

TRANSFER CRIMINAL PETITION Nos.167 and 202 of 2016

COMMON ORDER:

Both the transfer criminal petitions are interconnected and they are between the same parties. Hence, they are being disposed of through this common order.

The first petitioner is the wife of the second respondent and their marriage took place on 21.05.2003. They lived together happily for some time and were also blessed with a female child, but shortly thereafter differences have arisen between them. Unable to bear the harassment, the first petitioner-wife gave a complaint *vide* Crime No.36 of 2011 on the file of the Palakol Rural Police Station and the same was numbered as C.C.No.205 of 2011 in the Court of the Judicial Magistrate of First Class, Palakol. She also filed M.C.No.25 of 2011 before the same Court. The second respondent also filed several cases before the learned Judicial Magistrate of First Class, Palakol. While so, the learned District and Sessions Judge, West Godavari, Eluru, issued proceedings dated 27.10.2015 *suo motu* transferring three cases i.e. M.C.No.25 of 2011, C.C.No.205 of 2011 and C.C.No.51 of 2012 to the learned Additional Judicial Magistrate of First Class, Narasapur. On such transfer, they were renumbered as C.C.No.419 of 2015 and M.C.No.27 of 2015. The petitioners seek transfer of the said cases to the Court of Judicial Magistrate of First Class at Palakol.

The first petitioner-wife contends that ever since she was deserted by the second respondent, she is residing with her parents at Palakol and it is difficult for her to appear in the Court at Narasapur along with the child for each and every adjournment.

Heard learned counsel for the petitioners and learned Public Prosecutor.

A perusal of the above facts discloses that C.C.No.419 of 2015 and M.C.No.27 of 2015 were originally filed before the learned Judicial Magistrate of First Class, Palakol and substantial part of trial is said to have been conducted by the learned Magistrate and subsequently, due to administrative reasons, the cases were transferred to the Court of Additional Judicial Magistrate of First Class, Narasapur.

It is now represented by both the parties that the pendency of the cases before the learned Additional Judicial Magistrate of First Class at Narasapur is not convenient to them and a request is made to transfer them to the Court of Judicial Magistrate of First Class, Palakol.

In that view of the matter, the transfer criminal petitions are allowed and C.C.No.419 of 2015 and M.C.No.27 of 2015 pending on the file of the learned Additional Judicial Magistrate of First Class, Narasapur, are transferred to the Court of Judicial Magistrate of First Class, Palakol. There shall be no order as to costs.

Date:19.08.2016
GJ

M.S.K.JAI SWAL,J