

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TR.CRIMINAL PETITION No.193 OF 2016

ORDER:

This transfer criminal petition, under Section 407 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to withdraw C.C.No.239 of 2016 from the file of Judicial Magistrate of First Class at Madhira, Khammam District, and transfer the same to the Court of Judicial Magistrate of First Class, Vijayawada, on the ground that the petitioner is suffering from senility due to advanced age of 76 years, he cannot walk without support, undergoing treatment and he is unable to undertake journey to Madhira from Vijayawada for about 300 K.M. without support and also receiving threats from the second respondent and his men.

The complaint is filed under Section 138 of Negotiable Instrument Act, 1881 by the respondent, who is carrying on business, aged about 53 years, resident of Madhira Town, Khammam District, whereas the petitioner is allegedly aged 76 years. But in the complaint's cause title the age of the petitioner was shown as 50 years and on the other hand the petitioner did not produce any document in support of his age and the old aged ailments, which he has been allegedly suffering, and in the absence of any material, it is difficult to accept the contention that he is unable to undertake journey from Madhira to Vijayawada, since Madhira Mandal is almost adjacent to Krishna District and the distance between Madira and Vijayawada is less than 100 KMs., but exaggerated the distance between Madhira and Vijaywada as 300 KM and sought for withdrawal and

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transfer. But there is absolutely no material before the Court to prove either of the allegations. Hence, I find no ground to withdraw C.C. No.239 of 2016 on the file of Judicial Magistrate of First Class, Madhira, Khammam District, and transfer the same to the Judicial Magistrate of First Class, Vijayawada, exercising jurisdiction under Section 407 Cr.P.C. Consequently, the criminal petition is liable to be dismissed.

In the result, the Transfer Criminal Petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this transfer criminal petition shall stand closed.

Date: 02.12.2016
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M. SATYANARAYANA MURTHY, J

