

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Transfer Criminal Petition No.73 of 2016**

**ORDER:**

This Transfer Criminal Petition is filed under Section 407 Cr.P.C. seeking to transfer C.C.No.289 of 2015 pending on the file of Judicial Magistrate of First Class, Darsi to any Court in Hyderabad District.

Heard and perused the material available on record.

The grounds raised by the learned counsel for the petitioner that the petitioner being a lady is not in a position to travel all the way from Hyderabad to Darsi, and that there will be imminent threat to her life if she travels from Hyderabad to Darsi to appear before the Court in the hands of the respondent-complainant, as the respondent-complainant is highly influential person cannot be valid grounds for transferring the case and except those grounds no other valid ground is raised and therefore, the transfer criminal petition is devoid of merit.

However, at this stage, the learned counsel for the petitioner, while not pressing for the main relief, confined his arguments only to the extent of dispensing with the presence of the petitioner before the trial Court. The learned counsel further stated that NBW issued against her was pending execution.

In any event, considering the facts and circumstances of the case, the presence of the petitioner before the trial Court is dispensed with except on the dates when her presence is specifically required by the Court for the purpose of examination under Section 313 Cr.P.C. or for any other purpose. The petitioner

shall be properly represented by her counsel. In the event of any NBW is pending against the petitioner/accused, the petitioner/accused is directed to approach the trial Court and file appropriate application for recalling NBW and on filing such application, the trial Court shall consider the same and pass appropriate orders in accordance with law.

Subject to the above observations, the Transfer Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

**RAJA ELANGO, J**

Date: 15-03-2016

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