

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION NO.81 OF 2016

ORDER:

This petition is filed under Section 407 of Criminal Procedure Code (for short "Cr.P.C.") to withdraw the C.C.No.60 of 2016 on the file of the XX Additional Chief Metropolitan Magistrate, Erramanzil Courts, Hyderabad and transfer the same to IV Additional Chief Metropolitan Magistrate, Visakhapatnam on the sole ground that the petitioner is residing at Visakhapatnam and in view of pendency of the said case he is unable to attend the Court at Hyderabad on each and every date of adjournment by travelling all the way from Visakhapatnam.

On this flimsy ground, the C.C.No.60 of 2016 cannot be withdrawn and transfer the same to any other Court as the complainant is also bound to face same difficulty to attend Court at Visakhapatnam in case C.C.No.60 of 2016 is transferred.

At this stage, Sri R.Siva Sai Swaroop, learned counsel for the petitioner requested to dispense with the appearance of the petitioner before the Court on all dates of adjournments except on the dates when his presence is required. But the said relief cannot be granted by this Court while exercising power under Section 407 Cr.P.C.

However, the petitioner is directed to file appropriate application before the Court concerned either under Rule 37 of Criminal Rules of Practice or under Section 205 of Cr.P.C. to dispense with his presence. Upon filing such application, the Magistrate is directed to consider and decide the same on the same day itself after issuing notice to the other side.

In the result, the petition is dismissed. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:08.11.2016
Ksp

