

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.95 OF 2016

ORDER:

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This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed to withdraw S.C.No.247 of 2015 on the file of the Senior Civil Judge – cum – Assistant Sessions Judge, Nandigama, Krishna District and transfer the same to any competent Additional District Court at Guntur, Guntur District.

2. The offences alleged against respondent Nos.2 and 3/A-1 and A-2 are punishable under Sections 447, 427 and 354 read with 34 I.P.C.

3. Heard and perused the material available on record.

4. The main ground on which the petitioner/*de facto* complainant filed this petition is that the learned trial Judge refused to receive applications filed by her before the trial Court seeking certain reliefs more particularly, when an application filed to implead some persons as accused by invoking Section 319 Cr.P.C. In that connection, the petitioner has already lodged a complaint before the Registrar of the High Court at Hyderabad.

5. Considering the facts and circumstances of the case, this Criminal Petition is disposed of with the following direction:

Whenever an application is filed by any party whether it is maintainable or not, it is the duty of the learned trial Judge to receive and dispose of the same after hearing the parties. Refusal to receive any application filed by any party is not proper on the part of the judicial officer. Hence, the petitioner is hereby directed to present the applications before the trial Court and on such applications, the trial Court is directed to receive the same, hear the parties and pass

appropriate orders. It is always left open to the petitioner to approach this Court if she is aggrieved over by any of the order passed by the learned trial Judge.

6. Miscellaneous Petitions pending, if any, in this Transfer Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

31.3.2016
AMD

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Date: 31.3.2016

AMD