

THE HONOURABLE SRI JUSTICE RAJA ELANGO

TRANSFER CRIMINAL PETITION No.4 of 2014

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, is filed by the petitioner seeking to withdraw SC No.102 of 2013 from the file of the I-Additional Sessions Judge, Adilabad and transfer the same to the Court of the Sessions Judge, Karimangar or any other Sessions Court.

Heard and perused the material available on record.

The facts of the case are that the respondent Nos.2 and 3 killed the husband of the petitioner - de facto complainant due to previous enmity and on the report given by the petitioner, the police of Kadam P.S., have registered a case in Crime No.86 of 2005 for the offence punishable under Section 302 r/w.34 IPC. After completion of investigation, the police filed charge sheet and the case was numbered as SC No.39 of 2009 on the file of the I Additional Sessions Judge, Adilabad. Since the 2nd respondent – A1 was absconding, and NBW was pending against him, the case was split up against A1 and separate number was given as PRC No.60 of 2008. Trial was conducted against A2 i.e. the 3rd respondent herein in SC No.39 of 2009 and he was acquitted of the said offence. The trial in SC No.102 of 2013 is scheduled to be commenced against A1. The main allegation raised by the petitioner is that the Assistant Public Prosecutor, who is in-charge of the case, is not conducting the case properly and he is convincing the witnesses to depose against the case of the petitioner. It is also alleged that the said Assistant Public Prosecutor has also stated that he has taken assurance from the Judicial Officer concerned that he will get a favourable order.

When the matter is taken up for hearing, it is informed that the Assistant Public Prosecutor has already been transferred and the trial

Court has issued summons to A1.

Learned counsel for the petitioner submitted that the manner in which the learned trial Judge is proceeding in the matter is evident from the fact that knowing fully well that the matter is pending before this Court, the trial Court has issued summons, dated 30.12.2015, to the petitioner to appear before that Court on 22.02.2016 and give statement in SC No.102 of 2013 and in case she fails to appear on that day, warrant will be issued to compel her attendance, and he produced a copy of the said summons.

Considering the above facts and circumstances of the case, this Court is of the view that the ends of justice would be met, if the request of the petitioner is considered.

Accordingly, the Transfer Criminal Petition is allowed and SC No.102 of 2013 pending on the file of the I-Additional Sessions Judge, Adilabad is transferred to the Court of Principal Sessions and District Judge, Karimnagar. The Court of I-Additional Sessions Judge, Adilabad, is directed to transfer the material of the above Sessions Case to the Court of Principal Sessions and District Judge, Karimnagar on or before 20.03.2016 and the Principal Sessions and District Judge, Karimnagar is directed to conclude the trial of the case in accordance with law, as expeditiously as possible.

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

RAJA ELANGO, J

February 23, 2016.
KTL