

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.CrI.P.No.307 of 2016

ORDER

This petition under Section 407 Cr.P.C., is filed by the petitioner to withdraw M.C.No.17 of 2016 on the file of Judicial First Class Magistrate, Yellandu, Khammam District and transfer the same to the Court of Judicial First Class Magistrate, Huzurnagar, Nalgonda, presently Suryapet District, on two grounds.

2. The first ground urged by petitioner is that the second respondent lodged a complaint against him and the same was registered as Cr.No.28 of 2016 for the offences under Sections 498-A and 324 read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, and the second ground is that when the petitioner attending the Court in connection with maintenance case, the persons of the second respondent attacked him and caused injuries on his body. Immediately, he lodged a complaint before the police and the same was registered as Cr.No.70 of 2016 of Karepally Police Station, Khammam District, for the offences punishable under Sections 341, 324, 506 read with Section 34 IPC. Thus, the petitioner is apprehending life threat at the hands of the second respondent when he attends the Court at Yellandu, Khammam District and sought for withdrawal and transfer the maintenance case to the Court of Judicial First Class Magistrate, Huzurnagar, Nalgonda District, presently Suryapet District.

3. As seen from the material on record, Cr.No.28 of 2016 of Nereducharla Police Station, Nalgonda District, is at the stage of

investigation. Though the learned counsel for petitioner contended that the charge sheet is filed after completion of investigation, no material is brought on record in support of it. However, that is not a ground to withdraw and transfer the case by exercising jurisdiction under Section 407 Cr.P.C.

4. The second ground urged by petitioner is that he is apprehending danger to his life as the men of the second respondent attacked and caused injuries on his body when he was returning to his place after attending the Court in connection with the maintenance, and he lodged a complaint with the police and it was registered as Cr.No.70 of 2016 of Karepally Police Station, Khammam District, against the father of second respondent. A copy of charge sheet is filed in support of his contention.

5. No doubt, as per the material on record, there is a threat to the life of petitioner, but that itself is not a ground, if police protection is provided to the petitioner, if necessary, to attend the Court in connection with the maintenance case. In similar situation, the Supreme Court in “**Ranjit Singh and another Vs. Popat Rambhaji Sonavane and others**”¹, held as follows:

“Where the petitioner complainant (a legal practitioner having a house at Pune) sought transfer of a sessions case under Section 395, 341, 504 and 506 IPC against certain persons (as committed by Magistrate on private complaint) from Pune to Indore on solitary ground that if transfer was not granted, his safety would be in danger, that was too nebulous a ground from transferring the case in which all four witnesses were from Pune. When the State counsel undertook to extend all possible facilities

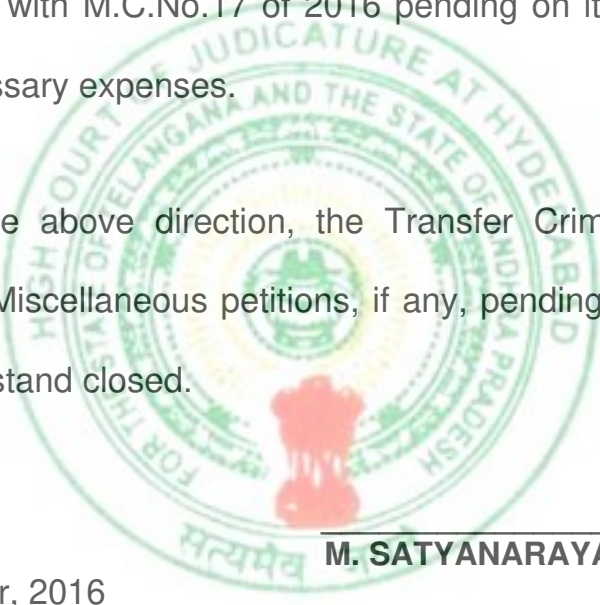
¹ AIR 1983 SC 292

as directed by the Supreme Court to ensure safety and security of the petitioner, the Supreme Court rejected the transfer petition after making necessary directions for safety and security of petitioner for the period required for recording of petitioner's evidence."

By applying the same principle to the present facts of the case, I deem it appropriate to direct the learned Judicial First Class Magistrate, Yellandu, Khammam District, on receipt of any requisition from the petitioner for police protection, to provide necessary protection to the petitioner whenever he attends the Court in connection with M.C.No.17 of 2016 pending on its file subject to bearing necessary expenses.

6. With the above direction, the Transfer Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

2nd December, 2016
sj


M. SATYANARAYANA MURTHY, J