

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.98 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 M.C.No.22 of 2012 from the file of the Judicial Magistrate of First Class at Cheepurupalli and transfer the same to the Court of the Judicial Magistrate of First Class, Srikakulam for trial and disposal in accordance with law.

2. Respondent Nos.2 and 3 filed the aforementioned maintenance case against the petitioner seeking maintenance and costs.

3. Heard and perused the material available on record.

4. Learned counsel for the petitioner submitted that the petitioner is working in Bangalore and it is difficult for him to attend the Court below for each and every adjournment and the petitioner also filed G.O.P.No.71 of 2013 on the file of the District Judge at Srikakulam.

5. Considering the fact that the above mentioned cases arose out of matrimonial disputes wherein the question of identity of the petitioner does not arise, the presence of the petitioner before the trial Court is not at all necessary except on the dates on which the learned Magistrate insists for his presence. Hence, the presence of the petitioner before the trial Court is dispensed with and he shall be properly represented through his counsel before the trial Court. The trial Court is also directed to insist for the appearance of the petitioner only on the dates on which it feels necessary.

6. Accordingly, the Criminal Petition is disposed of. Miscellaneous Petitions pending, if any, in this Transfer Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

31.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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