

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

TRANSFER CRIMINAL PETITION No. 204 OF 2015

ORDER:

This Transfer Criminal Petition under Section 407 Cr.P.C. is filed seeking to transfer S.C.No.256 of 2015 pending adjudication on the file of learned XI Additional District and Sessions Judge, Tenali to any Sessions Court at Vijayawada or any other District Court in Guntur.

Heard learned Counsel on either side. Perused the material on record.

The main ground urged for transfer of Sessions Case is life threat perception to the petitioners in the hands of family members of the deceased. It is submitted by the learned Counsel for the petitioners that as a matter of fact, after the trial is commenced, one of the members of the petitioners was physically eliminated and that there is life threat to the petitioners in the hands of the deceased family members as well as police and therefore the Sessions Case may be shifted from the Court at Tenali to any Sessions Court at Vijayawada or any other Sessions Court in Guntur.

It is to be seen that most of the witnesses are from Tenali and if the case is shifted to any other Court at Vijayawada or Guntur, it will be difficult for the witnesses, who are independent, to be examined. Therefore it is not agreeable to transfer the

Sessions Case as sought for by the petitioners. In view thereof, the prayer sought for by the petitioners cannot be granted.

However, considering the threat perception of the petitioners, and as requested by the learned Counsel for the petitioners, the transfer criminal petition is disposed of directing the learned XI Additional District and Sessions Judge, Tenali, to proceed with the trial in S.C.No.256 of 2015 and dispose of the same, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order, without insisting the presence of petitioners 1,3 to 5 herein/Accused 1,3,5 & 6. for each and every adjournment, unless it feels that their physical presence is necessary for any specific purpose. The Counsel on record shall represent the petitioners 1,3 to 5 herein /Accused 1,3,5 & 6 before the Court below on each and every date of hearing the case. **Petitioner No.2/Accused No.2** shall ensure his presence before the Court below on each and every adjournment of the case.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 6th SEPTEMBER, 2016.
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