

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION NOS.77 AND 78 OF 2016

COMMON ORDER:

These petitions are filed seeking with withdrawal of D.V.C.No.2 of 2013 and M.C.No.9 of 2013 pending on the file of Judicial First Class Magistrate, Gadwal, Mahabubnagar District and transfer the same to any other Judicial First Class Magistrate, Hyderabad on the ground that while the petitioner attending to proceedings before the Judicial First Class Magistrate, Gadwal, he was abducted from the Court premises and assaulted by the brother of respondent No.1 and he made an attempt to kill him. Thereupon, the petitioner reported the matter to the police after collecting C.C. TV footage, but the police did not take any steps to register the crime against any person for the alleged offence of abduction, the respondent and her relatives demanding Rs.1 crore for settlement.

During hearing learned counsel for the petitioner in both the cases contended that the police colluded with the respondent No.1 in view of the earlier incident of abduction of the petitioner and did not take any action on the complaint lodged by the petitioner. Therefore, the petitioner has no protection since the police colluded with the respondent No.1.

Learned counsel for the respondent No.1 denied the alleged abduction of the petitioner and threat to his life etc.

The Maintenance Case and Domestic Violence Case were filed by the wife of the petitioner, who is staying within the territorial jurisdiction of the Judicial First Class Magistrate,

Gadwal, but the apprehension of the petitioner is only life threat, in such case the Court can direct the police to provide necessary protection to the petitioner on the dates of his attendance to the Court in connection with the D.V.C.No.2 of 2013 and M.C.No.9 of 2013. The contention of the learned counsel for the petitioner that the police colluded with the respondent No.1 is not acceptable.

The Apex 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 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 principle laid down in the above decision, threat is not a ground and at best, petitioner may request the police to provide necessary protection.

Hence, the Judicial First Class Magistrate, Gadwal, Mahabubnagar District is directed to issue appropriate direction to the police to provide protection to the petitioner from Gadwal Railway station till departure of the petitioner from Gadwal on payment of necessary expenses whenever the petitioner attends the Court in connection with the above cases.

¹ AIR 1983 SC 292

With the above directions, these petitions are disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:02.11.2016
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