

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.96 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 D.V.C.No.6 of 2015 from the file of the Additional Junior Civil Judge, Chilakaluripet and transfer the same to the Court of the Judicial First Class Magistrate, Parchur.

2. Respondent No.2 is the daughter-in-law of the petitioners. She filed the D.V.C. against the petitioners seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act, 2005. Petitioner No.1 is accused in C.C.No.151 of 2014 on the file of the Judicial First Class Magistrate, Parchur and also defendant No.1 in O.S.No.186 of 2014 on the file of the Senior Civil Judge, Parchur.

3. Heard and perused the material available on record.

4. The main ground on which the petitioners filed this petition is that they are aged about 70 years and 60 years respectively and due to their old age, they are unable to travel to Chilakaluripet.

5. Considering the fact that the offences arose out of domestic violence wherein the question of identity of the petitioners does not arise, the presence of petitioners before the trial Court is not at all necessary except on the dates on which the learned Magistrate insists for their presence. Hence, the presence of the petitioners before the trial Court is dispensed with and they shall be properly represented through their counsel before the trial Court. The trial Court is also directed to insist for the appearance of the petitioners 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

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Date: 31.3.2016

AMD