

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION NO.16 OF 2016

ORDER:

This petition is filed under Section 407 of Criminal Procedure Code (for short "Cr.P.C.") to withdraw the C.C.No.368 of 2015 on the file of the Judicial First Class Magistrate, Anaparthi, East Godavari District and transfer the same to any Judicial First Class Magistrate Court, Visakhapatnam on the sole ground that the petitioner is residing at Visakhapatnam and in view of pendency of this case he is unable to attend on each and every date of adjournment before the Court by travelling all the way from Visakhapatnam and moreover there is no direct train from Visakhapatnam to Anaparthi, and in view of the said fact, he is unable to attend the Court.

As seen from the allegations made in paragraph No.5 of the petition, the only ground is inconvenience to undertake journey from Visakhapatnam to Anaparthi to attend the Court. On this flimsy ground, the C.C.No.368 of 2015 cannot be withdrawn and transfer the same to any other Court as the complainant is also bound to face same difficulty to attend Court at Visakhapatnam in case C.C.NO.368 of 2015 is transferred. Therefore, the petitioner can move the Court by filing appropriate application either under Rule 37 of Criminal Rules of Practice or under Section 205 of Cr.P.C. to dispense with his presence. Upon filing such application, the Magistrate is directed to consider and decide the same on the same day itself after issuing notice to the other side.

In the result, the petition is dismissed. No costs.

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

JUSTICE M. SATYANARAYANA MURTHY

Date:02.11.2016
Ksp