

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.273 of 2016

ORDER:

This Petition is filed to withdraw STC No.99 of 2016 pending on the file of learned Judicial First Class Magistrate, Pulivendula, Y.S.R.Kadapa District and transfer the same to any other Court in SPSR Nellore District or any other competent Court, on the ground that the matter was initially pending before Judicial First Class Magistrate, Pulivendula and later it was transferred to Metropolitan Magistrate Court at Hyderabad and registered as C.C.No.1363 of 2014 and later it was transferred to V Additional Special Magistrate, Yeramanzal, Hyderabad and thereafter it was withdrawn and transferred to Judicial Magistrate of First Class, Pulivendula due to subsequent ordinance, which became Act.

2. It is the case of the petitioner that during pendency of the proceedings before different Courts, there was an agreement between the parties for payment of Rs.10,00,000/- towards the debt due and in accordance with the agreement, he paid Rs.2,00,000/- on 28.07.2015 and agreed to pay balance of Rs.8,00,000/- within agreed time, but he could not pay the same. Therefore, the respondent bore grudge against him and he is apprehending danger in his hands.

3. As seen from the allegations made in the petition, the only apprehension is danger to his life if the matter is to be tried before Judicial Magistrate of First Class, Pulivendula, in view of the failure of the petitioner to fulfill his obligation under the agreement

between the parties during the pendency of the matter. In view of the apprehension, the learned Magistrate is directed to provide necessary police protection to the petitioner whenever he attends the Court in accordance with STC No.99 of 2016 subject to bearing expenses, if any.

4. A Similar circumstance came before Apex Court in **Ranjinth Singh, Niranja Singh and Popat Rambaji Sonavane and others**¹ wherein the Advocate was a party in person and when the State undertook to give necessary protection to him, the Transfer Criminal Petition was dismissed. Therefore, by applying the principle laid down in the Judgment, I deem it appropriate to direct the Judicial Magistrate of First Class, Pulivendula to provide necessary protection to the petitioner on the date of adjournments whenever he attends the Court on the date of adjournment in accordance with STC No.99 of 2016, subject to bearing expenses, if any.

5. With the above direction, this Transfer Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 31.10.2016
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¹ AIR 1983 SC 292

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Dt. 31.10.2016

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