

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.85 OF 2016

ORDER:

The Transfer Criminal Petition is filed under Section 407 of Code of Criminal Procedure (Cr.P.C.) to transfer C.C.No.10 of 2015 on the file of the XIV Metropolitan Magistrate at L.B.Nagar, Cyberabad, to the Court of the Judicial First Class Magistrate, Alair, Nalgonda District.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that when the petitioner attended the case at Cyberabad, the first respondent and his family members threatened her with dire consequences and that she will be subjected to harassment, as such, prays this Court to transfer the above case to the Judicial First Class Magistrate, Alair, Nalgonda District, where D.V.C.No.7 of 2014 is pending.

This Court is of the view that the above case cannot be transferred on the apprehension of the petitioner that she will be subjected to harassment by the first respondent and his family members. Further, the petitioner's allegation that the first respondent and his family members threatened her with dire consequences, was not substantiated by her by showing any valid document, and that she has not filed any case against the alleged incident. Hence, this Court is not inclined to transfer the above case to any Court.

However, as the case is arising out of matrimonial disputes, the question of identity of the petitioner does not arise and as such, the presence of the petitioner before the trial Court is dispensed with except on the dates when the trial Court insists for her appearance. The petitioner is directed to be represented by her counsel before the Court below on all hearing dates.

The Transfer Criminal Petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

23.03.2016

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