

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION Nos.263 OF 2016, 264 OF 2016,

265 OF 2016 & 266 OF 2016

COMMON ORDER:

These four criminal petitions are filed seeking withdrawal of C.C.Nos.730 of 2015, 731 of 2015, 733 of 2015 and 732 of 2015 respective, pending on the file of II Additional Judicial First Class Magistrate, Kadapa and transfer the same to Prakasam or to any other competent court on the same ground that petitioners are attending to court on every date of adjournment before First Additional Judicial Magistrate of First Class Kadapa and the cases were filed under Section 138 of N.I.Act.

The only ground on which they sought for withdrawal and transfer these matters is that petitioners and their counsel have been threatening on every date of adjournment and whenever they attended the court and that the same is complained to the police concerned by way of undated complaint by registered post dated 19-5-2014 but no action has been taken either by police at Prakasham or at Kadapa.

It is clear from the record that after complaint, petitioners attended the court at Hyderabad and later matter was transferred to Judicial Magistrate of First Class, Kadapa, and petitioners attended on one date of adjournment and due to threat, they are not attending to the court on the dates of subsequent adjournments. Except giving

undated complaint to the concerned police which was sent by Registered Post on 19-5-2014, no other material is produced.

If really petitioners encounters such a threat either by petitioners or their counsel or by his men, at least, being a counsel and officer of the court, they would have reported the matter to the Magistrate concerned but they did not complain the same to the concerned police also. However, in similar situation, in the judgment in *RANJIT SINGH ANOTHER v. POPAT RAMBHAJI SONAWANE AND OTHERS Vs. POPAT RAMBHAJI SONAVANE AND OTHERS Vs. STATE OF MAHARASTRA AND ANOTHER* ⁽¹⁾ held that when the State agreed to provide necessary security to the advocate enabling him to attend before the court and declined to withdraw criminal case from Pune court.

By applying the same principle I find that it is a fit case to direct the Station House Officer, Town police station Kadapa to provide necessary security on every date of adjournment to the petitioners and their counsel on all days when petitioners are required to appear before the court for recoding their evidence and on all other subsequent dates whenever their presence is required subject to bearing expenses by the petitioners themselves.

With the above direction, these Criminal Petitions are disposed of.

¹ 1983 CRL.L.J.437 = AIR 1983 SUPREME COURT 292

As a sequel to the disposal of these petitions, the Miscellaneous
Petitions, if any, pending, shall stand dismissed.

JUSTICE M.SATYANARAYANA MURTHY

Dated 18-10-2016.

Dvs.



HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 18-10-2016.

Dvs