

THE HONOURABLE SRI JUSTICE RAJA ELANGO
TRANSFER CRIMINAL PETITION No.52 OF 2016

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ORDER:
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This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed to transfer C.C.No.4 of 2015 from the file of the II Additional Judicial Magistrate of First Class, Ongole to the file of the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Guntur for trial and disposal in accordance with law along with C.C.Nos.3 and 4 of 2015 pending on its file.

2. Heard and perused the material available on record.

3. Learned counsel for the petitioners contended that the allegations in all the cases are one and the same; that if all the cases are tried by one Court at Guntur, it will be convenient for the parties concerned and it is also expedient to dispose of the cases by a learned Single Judge who can consider the legal position and factual aspects of the cases.

4. Learned Public Prosecutor opposed this petition on the ground that the *de facto* complainant and other witnesses belong to different places and they have to travel more than 100 kms., to depose before the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Guntur.

5. It is evident from the record that in all the cases, the trial is yet to be started. Considering the facts and circumstances of the case and in view of the fact that the learned counsel for the petitioners submitted that the petitioners are ready to pay expenses as directed by this Court to the witnesses whenever they were directed to appear before the said Court at Guntur for the purpose of examination and also taking into consideration the convenience of the parties, this Court is of the view that this petition can be allowed with the following conditions:

The petitioners herein are directed to pay the *de facto* complainant and each of the witnesses in C.C.No.4 of 2015 on the file of the II Additional Judicial Magistrate of First Class, Ongole on their appearance before the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Guntur on issuance of summons at the rate of Rs.1,000/- (Rupees one thousand only) for their travelling and stay at Guntur. The petitioners shall cooperate with the trial Court for early disposal of the cases.

6. Subject to the above, the Transfer Criminal Petition is allowed withdrawing C.C.No.4 of 2015 from the file of the II Additional Judicial Magistrate of First Class, Ongole and transferring the same to the file of the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Guntur for trial and disposal in accordance with law along with C.C.Nos.3 and 4 of 2015 pending on its file.

7. Miscellaneous petitions pending, if any, in this Transfer Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

22.3.2016
AMD

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