

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.313 OF 2016

ORDER:

This petition is filed, under Section 407 Cr.P.C., to withdraw S.C.No.444 of 2012 from the file of V Additional Metropolitan Sessions Judge - cum - Mahila Court, Nampally, Hyderabad, and transfer the same to the file of Principal District and Sessions Judge, Kurnool, on the ground that the petitioner is facing life threat whenever she is attending the Court at Nampally in connection with the aforesaid Sessions Case and that she being a woman, it is difficult for her to undertake journey and appear on every date of adjournment, except with male assistance.

2. The first and foremost contention of the petitioner is that she is facing life threat whenever she is attending the Court in connection with the aforesaid Sessions Case. But, no complaint was made either to the Presiding Officer of the Court where the Sessions Case is pending or to the police having jurisdiction, where she was subjected to such threat to life. Sri T.N.M. Ranga Rao, learned counsel for the petitioner, during the course of hearing, contended that it was only an oral complaint and that on every occasion when the petitioner attended the Court in connection with the aforesaid Sessions Case, she is facing life threat. But, the same cannot be accepted in the absence of any complaint either to the Presiding Officer or to the police concerned regarding such threat to the life of

petitioner. The petitioner further contends that she is a woman aged 36 years and she cannot undertake journey for 200 KMs. without male assistance. But, that is also not a ground to withdraw and transfer the case. However, in the interest of justice and to provide fair opportunity to the petitioner to face trial, I deem it appropriate to give a direction to the V Additional Metropolitan Sessions Judge – cum – Mahila Court, Nampally, Hyderabad, to provide necessary police protection to the petitioner whenever she attends the Court in connection with S.C.No.444 of 2012 pending on its file, subject to her meeting necessary expenses, on receipt of any such requisition from the petitioner in writing.

3. It is also brought to the notice of this Court during hearing that Non-bailable warrant was issued against the petitioner. But, it is also not a ground to withdraw and transfer the case and the petitioner is at liberty to file appropriate application under Section 70 (2) Cr.P.C. to recall non-bailable warrant issued against her and if such an application is filed and if the Court is satisfied, it may pass appropriate orders in accordance with law.

4. Viewed from any angle, I do not find any ground to withdraw S.C.No.444 of 2012 from the file of V Additional Metropolitan Sessions Judge – cum – Mahila Court, Nampally, Hyderabad, and transfer the same to the file of Principal District and Sessions Judge, Kurnool.

5. Therefore, the Criminal Petition is disposed of at the stage of admission directing the V Additional Metropolitan Sessions Judge-cum-Mahila Court, Nampally, Hyderabad, to provide necessary police protection to the petitioner whenever she attends the Court in connection with S.C.No.444 of 2012 pending on its file, subject to her meeting necessary expenses, on receipt of any such requisition from the petitioner in writing.

6. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

December 13, 2016.
MD