

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

TRANSFER CRIMINAL PETITION No.310 OF 2016

ORDER:

The present Criminal Petition is filed under Section 407 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') requesting to withdraw Domestic Violence Case No.91 of 2013 from the file of IV Metropolitan Magistrate, Erramanzil, Hyderabad, and transfer the same to any of the competent Courts in Hyderabad, by setting aside the order dated 23.11.2016 passed by the Metropolitan Sessions Judge at Hyderabad, in Tr.CrI.M.P.No.1812 of 2016 made under Section 408 Cr.P.C.

2. Heard Sri N.Parameswara Reddy, learned counsel for the petitioner and Sri M.Phani Kumar, learned counsel for the 1st respondent/ *de facto* complainant.

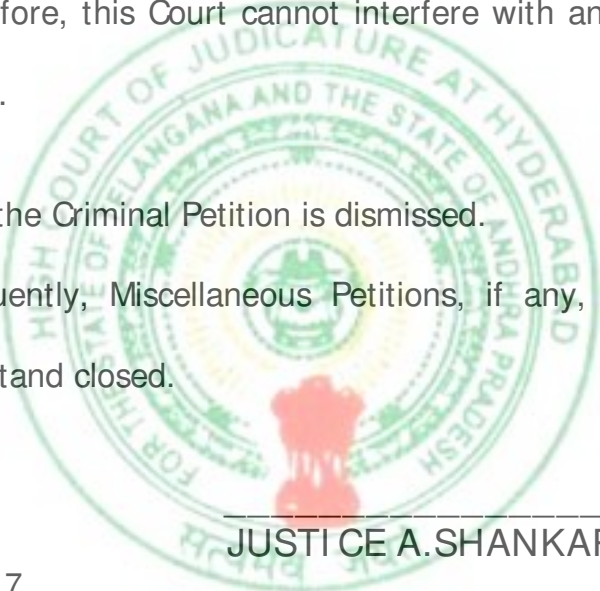
3. What all has been advanced now by the learned counsel for the petitioner was agitated before the learned Metropolitan Sessions Judge. The learned Metropolitan Sessions Judge having deliberated on the issue, found that one of the submissions made by the learned counsel for the petitioner before her, that the lower Court did not stay the proceedings despite the stay granted by her (MSJ Court, Hyderabad) to be false and making certain other observations, dismissed the petition holding that absolutely, there are no grounds to transfer the case.

4. Learned counsel for the petitioner made an attempt to justify the request by referring to a complaint sent to the High Court through the

Registrar General and also the Registrar (Vigilance), making certain allegations. The very same fact has been mentioned in the said petition to the effect that the trial Court proceeding with the DVC proceedings despite stay was being granted by the Metropolitan Sessions Judge, Hyderabad. This particular averment was found to be false by the Metropolitan Sessions Judge. From the arguments advanced by the learned counsel for the petitioner herein and from the order, certainly, it cannot be said that the order is tainted with illegality. There is no patent illegality in the order under challenge herein. Therefore, this Court cannot interfere with and accede to the request herein.

5. Hence, the Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in this petition shall stand closed.



JUSTICE A.SHANKAR NARAYANA

Date:10.04.2017
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