

THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE NO.480 OF 2017

ORDER:

Heard the counsel for petitioner and also the first respondent-State, represented by Public Prosecutor.

From the personal notice served on respondents 2 and 3, the Constable and the Sub-Inspector of Police, which were not claimed and returned, it is held as sufficient service. It is impugning the administrative transfer order of the learned District Judge dated 19.01.2017 on the letter of the learned Judicial First Class Magistrate, Pithapuram, East Godavari District, transferring the private complaint case taken cognizance for the offence under Section 506 IPC in C.C.No.1 of 2017 from Pithapuram to Prathipadu, from the say and on showing the *de facto* complainant is with physical disability, though the very complaint shows he was one of the riders of the bike, either as pillion rider or otherwise, at the time of the alleged incident, he can travel on a bike with assistance of anybody and on the administrative side from the letter of the Judicial Magistrate of First Class, Pithapuram, the learned District Judge is justified in transfer, but for to consider the inconvenience expressed for attending to every adjournment by the complainant of nearly 70 km distance between Pithapuram to Prathipadu. It is, thus, just to transfer instead to Prathipadu to Peddapuram, which is nearby to Pithapuram not only for complainant but also for accused to attend.

Accordingly, the petition is allowed to that extent by transferring the case from Pithapuram to Peddapuram instead of to Prathipadu. The learned Magistrate may consider to dispense with personal appearance of the complainant whenever required on applications under Section 256 of the Code of Criminal Procedure. Miscellaneous petitions, if any, pending shall stand closed.

(Dr. B.SIVA SANKARA RAO, J)

22nd March 2017
RRB

