

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.213 of 2017

ORDER :

This petition is filed by the petitioner/de facto complainant under Section 407 Cr.P.C., seeking transfer of C.C.No.213 of 2015 on the file of the Judicial First Class Magistrate, Kamareddy, to the IV Additional District Judge, Ranga Reddy District-cum-I Additional Family Court at L.B.Nagar, Ranga Reddy District.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State before ordering notice to respondents 2 and 3/ A1 and A2.

The above C.C. is an outcome of Crime No.33 of 2015 of Domakonda Police Station, Nizamabad District, registered for the offences punishable under Sections 498-A, 494 I.P.C. and Section 4 of the Dowry Prohibition Act against her husband and another wife of her husband as A1 and A2, who are respondents and 3 herein, by showing their addresses at Domakonda Mandal and her address at Old Alwal, seeking transfer of the case. Even from the charge sheet the witnesses are from Domakonda Mandal mostly, including the investigating officer. Hence, there is nothing to transfer the case by withdrawing the same from the Court of the Judicial First Class Magistrate, Kamareddy, to any Court in L.B.Nagar, Ranga Reddy District, much less, to the

Family Court merely because there is any matrimonial matter pending before the Family Court, Ranga Reddy District. Hence, the petition can be dismissed on that ground. However, the difficulty expressed as there is threat to her life, in fact, she has to attend as a witness and Section 302 R/ w 24(8) proviso of the amended Cr.P.C. otherwise enables if at all she wants to prosecute by engaging a private counsel.

Having regard to the above, without prejudice to avail such recourse by approaching the trial Court for her giving evidence, she can apply from receiving of the summons to the Sub-Divisional Police Officer, Kamareddy, to provide police protection to her on paying usual charges, by virtue of this order.

Accordingly, the Transfer Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:12-10-2017

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