

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

CRIMINAL REVISION CASE No. 798 OF 2017

ORDER:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'the Code') is filed by the petitioners, who are respondents in Tr.Crl.M.P.No.2661 of 2016, assailing the order, dated 27.02.2017, of the learned Principal Sessions Judge, Guntur passed in the afore-stated Tr.Crl.M.P.

2. I have heard the submissions of *Sri Ch.Samson Babu*, learned counsel for the petitioners herein, and of *Sri K.Srinivas*, learned counsel for respondent Nos.1 to 3. I have perused the material record.

3. By the orders impugned in this revision, the learned Sessions Judge ordered for withdrawal of D.V.C.No.13 of 2016 on the file of the Court of the learned Junior Civil Judge, Macherla. The learned Sessions Judge, while ordering transfer of the DV case has taken into consideration the following aspects:

‘The respondents 1 to 3 herein harboured an apprehension that the learned Presiding Officer might come under the influence of the said fact and might act in a biased manner and might favour the first petitioner herein i.e., the petitioner in the DVC, as by then she was an employee of that Court.’

On the above and other grounds, and as justice shall not only be done but also appear to have been done, the learned Sessions Judge ordered for transfer of the DV case.

4. Aggrieved thereby, the petitioners are before this Court.

5. The learned counsel for the petitioners herein would submit that even by the date of orders, which are impugned in this revision, the first petitioner herein was transferred to the Court of Junior Civil Judge, Gurajala, and that the learned Presiding Officer of the Court at Macherla, against whom certain apprehensions were entertained by the respondents 1 to 3 herein was also transferred recently and that, therefore, there are no impediments now for bringing back the DV case to the Court at Macherla, where the case was originally instituted.

6. The learned counsel for the respondents 1 to 3 herein having supported the orders of the Court below had stated that the learned Sessions Judge has taken into consideration all the facts and circumstances and passed a reasoned order and such a well reasoned order does not warrant interference in this revision case.

7. I have given a detailed and thoughtful consideration to the facts and submissions.

8. Now the first petitioner is supposed to stay at Gurajala as she is posted to work in the Court at Gurajala. By the orders impugned, the case was transferred to the court at Tenali. The said station is stated to be at a distance of about 160 K.Ms from Gurajala. At the hearing, the learned counsel for both the sides stated that the Court at Piduguralla is at an equi-distance from Gurajala and Tenali and that, therefore, if the case is directed to be tried by a learned judge of that Court at Piduguralla, it would be convenient for both the parties and such a course would subserve the ends of justice. Therefore, it is requested that the case may be

re-transferred to the Court at Piduguralla, for disposal in accordance with the procedure established by law.

9. Having regard to the submissions, this Court is of the considered view that this revision case can be disposed of with appropriate directions.

10. In the result, the Criminal Revision Case is disposed of and while setting aside the order of the learned Sessions Judge, the DVC No.13 of 2016 which is transferred to the Court of II Additional Judicial Magistrate of First Class, Tenali, is withdrawn from the file of the said Court and is transferred to the Court of learned Junior Civil Judge cum Magistrate of First Class, Piduguralla for trial and disposal in accordance with the procedure established by law. The transferor Court is directed to transmit the entire duly indexed record to the transferee Court at the earliest possible under intimation to the Courts of the learned Junior Civil Judge, Macherla and Tenali and the Court of Session, Guntur.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

June 13, 2017
LMV