

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.171 of 2017

ORDER :

This petition is filed by the petitioner under Section 407 Cr.P.C., seeking transfer of C.C.No.653 of 2016 on the file of the Judicial First Class Magistrate, Tadipathri, Ananthapur District, to the Judicial First Class Magistrate, Kothavalasa, Vizianagaram District or to any Court of the Judicial First Class Magistrate, Vizianagaram, which is an outcome of the private complaint of the 2nd respondent, registered for the offences punishable under Sections 138 and 142 of the Negotiable Instruments Act (for short 'the Act').

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State before ordering notice to the 2nd respondent and perused the grounds urged in the quash petition.

Leave about any contention of the Court which taken cognizance for the offence punishable under Section 138 of the Act as per Section 142 of the Act has no jurisdiction that now could be shown, if at all even to show in the trial Court, such a contention is left open that cannot now be made a ground to transfer from the above and even for the alleged threat what he

claims allegedly given a police complaint at Kothavalasa of Vizianagaram and private complaint filed and not even at Tadipatri, much less, from the complainant directly for fear of attending the Court and even from such a oral contention it can be taken care with no need of transfer in disposal of the petition by giving liberty to the petitioner to file application under Section 205 Cr.P.C. before the learned Magistrate, Tadipathri, to represent through special vakalat holder to permit after hearing with necessary conditions of personal appearance as and when required, particularly for any defence evidence under Section 313 Cr.P.C. and further needless to observe the petitioner also got further liberty by virtue of this order, on the date he has to attend the Court from any fear of insecurity, apply to the Deputy Superintendent of Police concerned to provide police aid by collecting usual expenses from the petitioner.

Accordingly, the Transfer Criminal Petition is disposed of.

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

Date:06-10-2017
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Dr. B. SIVA SANKARA RAO, J