

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

TRANSFER CRIMINAL PETITION No.110 of 2017

ORDER:

This petition is filed under Section 407 Cr.P.C. seeking to withdraw C.C.No.231 of 2012 from the file of the Court of the Judicial Magistrate of First Class, Rayadurg, and transfer the same to the file of the Court of the Judicial Magistrate of First Class at Madakasira duly setting aside the orders dated 17.04.2017 in Tr.Cr.MP.No.259 of 2016 on the file of the Principal District and Sessions Judge, Ananthapuram.

2. Learned counsel for the petitioner submitted that the learned District Judge dismissed the petition without taking into consideration the inconvenience likely to be caused to the petitioner. He further submitted that there is a life threat to the petitioner if she attends the Court of Judicial Magistrate of First Class, Rayadurg.

3. Learned Assistant Public Prosecutor submitted that the petitioner has not assigned reasons much less cogent and valid reasons for transfer of C.C.No.231 of 2012 from the file of the Court of the Judicial Magistrate of First Class, Rayadurg, to the file of the Court of the Judicial Magistrate of First Class at Madakasira.

4. A perusal of the record reveals that the petitioner is the *de facto* complainant and the first respondent is the sole accused in C.C.No.231 of 2012 on the file of the Court of the Judicial Magistrate of First Class, Rayadurg. It further reveals that the petitioner is none other than the wife of first respondent. The first

respondent is facing trial in C.C.No.231 of 2012 for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

5. As per the allegations made in the complaint, the cause of action arose within the territorial jurisdiction of the Judicial Magistrate of First Class, Rayadurg. The petitioner filed Tr.Cr.MP.No.259 of 2016 on the file of the Principal District and Sessions Judge, Ananthapuram, seeking transfer of C.C.No.231 of 2012 from the file of the Court of the Judicial Magistrate of First Class, Rayadurg, to the file of the Court of the Judicial Magistrate of First Class at Madakasira. The learned District and Sessions Judge, after affording a reasonable opportunity to both parties, dismissed the petition. Hence, the present petition.

6. It is not the case of the petitioner that no cause of action arose within the territorial jurisdiction of the Judicial Magistrate of First Class, Rayadurg. A perusal of the record reveals that the first respondent has been attending the trial Court since 2012. The petitioner did not choose to file similar type of petition for all these years. When the matter is coming up for trial, the petitioner filed the petition alleging that there is a life threat to her if she attends the Court at Rayadurg. The petitioner did not file even a single scrap of paper to substantiate her stand. It is not uncommon to file this type of petitions for the reasons best known to the parties to the proceedings. If the matter is transferred at this stage, the first respondent, who has been attending the Court for the last five years, has to attend the Court some more period at Rayadurg. The learned District and Sessions Judge has given a specific finding

that the petitioner failed to substantiate her case. I am fully agreeing with the findings recorded by the learned Principal District and Sessions Judge, Ananthapuram. The petitioner failed to assign reasons much less cogent and valid reasons for transfer of the case. If the Court allows this type of petitions in a routine manner, it may cause untold hardship to the accused. There are no grounds much less valid grounds for transfer of C.C.No.231 of 2012 from the file of the Court of the Judicial Magistrate of First Class, Rayadurg, to the file of the Court of the Judicial Magistrate of First Class at Madakasira. Hence, the petition lacks merits and *bona fides*.

7. Accordingly, the Transfer Criminal Petition is dismissed.
8. Consequently, Miscellaneous Petitions, if any, pending in this Transfer Criminal Petition shall stand closed.

Date: 16.06.2017
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T.SUNIL CHOWDARY, J

