

**THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**TRANSFER CRIMINAL PETITION No.87 of 2017**

**ORDER:**

The present petition is filed by the husband – respondent in M.C.No.37 of 2016 on the file of V-Additional Judicial Magistrate of First Class, Kakinada, East Godavari District, requesting to withdraw the said M.C and transfer the same to the Additional Family Court, City Civil Court at Hyderabad, to be tried along with O.P.No.1092 of 2016.

Heard Sri G.Ram Sharma, learned counsel for the petitioner, and Sri Akurati Ramakrishna, learned counsel for the 1<sup>st</sup> respondent.

Learned counsel for the 1<sup>st</sup> respondent would submit that CrI.M.P.No.3850 of 2016 was filed in the aforesaid M.C., questioning the jurisdiction of the learned Magistrate in entertaining the M.C and requesting to decide the said jurisdictional point in the first instance, and the said petition has been pending for the past six months and, in case the said petition is disposed of in favour of the petitioner, the present petition need not be decided.

Per contra, Sri Rama Sharma, learned counsel for the petitioner, would submit that the pendency of the said CrI.M.P has nothing to do with the present transfer criminal petition and, once the present petition is decided, then the said CrI.M.P becomes infructuous. He

further submits that the learned Magistrate is not disposing of the said CrI.M.P., despite filing the same about six months back.

Keeping in view, the submissions made by both sides and since the said CrI.M.P.No.3850 of 2016 is stated to be pending for the past six months, it is desirable to direct the learned V-Additional Judicial Magistrate of First Class, Kakinada, to dispose of the same within a period of fifteen days from the date of receipt of a copy of this order.

Subject to the above direction, the Transfer Criminal Petition is disposed of at the stage of admission itself.

Miscellaneous Petitions, if any, pending in this petition, shall stand closed.

April 21, 2017.

**Note:** Issue CC in three days

B/o

v v

**A. SHANKAR NARAYANA, J**

