

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.197 of 2017

ORDER :

This petition is filed by the petitioner under Section 407 Cr.P.C., seeking transfer of M.C.No.4 of 2017 on the file of the Additional Judicial Magistrate of First Class, Bobbili, Vizianagaram District to the file of the II Additional Judicial Magistrate of I Class, Kovvur, West Godavari District.

Heard both sides and perused the grounds urged in the quash petition and other material on record.

Learned counsel for the petitioner submits that the certificate dated 09.02.2009 issued in favour of the petitioner by the District Medical Board of East Godavari District, under G.O.Ms.No.109 Women's Development Child Welfare and Labour Department dated 15.06.1992, of deformity to the hip and knee of left side post traumatic with 70% disability) claims that his wife, resident of Seethanagaram Mandal of Vizianagaram District maintained M.C. under Section 125 Cr.P.C. against him to harass him, being resident of Kovvuru of West Godavari District and as he is unable to travel apart from independently because of the deformity, the case is required to be transferred.

In fact, the 1st respondent is also resident of Vizianagaram District, undisputedly and she is also woman and if at all the case sought for to be transferred to Kovvur, she has to run all the way,

thereby, considering the facts for no grounds from the claim of the petitioner alone to transfer, to sub-serve the ends of justice, while disposing the petition, the learned Magistrate is directed under Section 126 Cr.P.C. not to insist the personal appearance of the petitioner, who is respondent in M.C. before the trial Court, but for, to give evidence during enquiry/trial, if he is representing through advocate.

With the above directions and observations, the Transfer Criminal Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 18.09.2017

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Dr. B. SIVA SANKARA RAO, J

