

SMT JUSTICE T.RAJANI

TRANSFER CRIMINAL PETITION Nos.179 AND 292 OF 2013

COMMON ORDER:

The Transfer Criminal Petition No.179 is filed by the petitioners, who are accused in C.C. No.3364 of 2013 on the file of XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, while Transfer Criminal Petition No.292 of 2013 is filed by the 1st respondent, who is the *de-facto* complainant in C.C. No.3364 of 2013. The above petitions are filed, seeking for transfer of both the cases to one place. While the accused seeks to transfer D.V.C. No.5 of 2013 to XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad, from Judicial First Class Magistrate, Alamur, East Godavari District, the complainant seeks *vice-versa* transfer.

2. Heard learned counsel for the petitioners/accused, learned counsel for the 1st respondent/complainant, and learned Public Prosecutor appearing for the 2nd respondent.

3. The contention of learned counsel for the accused is that the accused have to be present on every date of adjournment in both the cases, while the complainant is not required to attend the proceedings unless she is called upon to give her evidence. But, the learned counsel for the complainant submits that the complainant also needs to attend the Court, in order to follow the proceedings. But, however, that contention does not seem to be sound, as she would know the proceedings of the case through the counsel, whom she engages. But, however, both the counsel now agree for the cases to be retained at the respective places, without any transfer as sought for. But, considering the submission of learned counsel for the accused that the accused is finding it difficult to travel to Hyderabad, the lower Court is directed not to insist upon the

presence of the accused in D.V.C. No.5 of 2013 on every date of adjournment, unless it is required for the proceedings of the case.

With the above directions, both the Transfer Criminal Petitions are dismissed. The *interim* stay, granted earlier in Tr.Crl.P.M.P. No.205 of 2013 in Tr.Crl.P. No.179 of 2013 on 23.07.2013 and the *interim* stay granted in Trl.Crl.P. No.292 of 2013 on 02.01.2014 shall stand vacated. As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

Date: 19.12.2017.
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T.RAJANI, J



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Date. 19.12.2017

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