

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.1 OF 2017

ORDER:

This transfer criminal petition, under Section 407 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to withdraw D.V.C. No.32 of 2016 pending on the file of VI Metropolitan Magistrate, Cyberabad, Ranga Reddy District at Medchal and transfer the same to the Court of II Additional Judicial Magistrate of I Class, Bhimavaram, on various grounds.

At paragraph 5 of the petition, though several grounds were raised, Sri N.Ravi Prasad, learned counsel for the petitioners, requested to pass an order dispensing with the appearance of the petitioners before the VI Metropolitan Magistrate, Cyberabad, in connection with D.V.C. No.32 of 2016.

In **GIDUTHURI KESARI KUMAR AND OTHERS V. STATE OF TELANGANA REP. BY PUBLIC PROSECUTOR AND ANOTHER**¹ this Court held that the proceedings under the Act are purely civil in nature and the court shall not insist the appearance of the parties on each date of adjournment and the trial under the Act cannot be equated with the trial of criminal case. But it is complain that the learned Magistrate is still insisting the appearance of the petitioners.

Insisting the appearance of the petitioners before the court, despite the judgment in **GIDUTHURI KESARI KUMAR**'s case referred above, is violation of principle laid down by this court. Hence, the learned Magistrate is directed to strictly

¹ 2015(2) ALD (CrI.) 470

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adhere to the principle laid down by this court in **GIDUTHURI KESARI KUMAR**'s case referred above.

With the above direction, the transfer criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this transfer criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 03.01.2017
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