

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.212 of 2017

ORDER :

This petition is filed by the petitioners/ accused under Section 407 Cr.P.C., seeking transfer of C.C.No.206 of 2017 on the file of the VI Additional Metropolitan Magistrate, Bheemili, Visakhapatnam District to the I Additional Chief Metropolitan Magsitrate, Visakhapatnam, which is an outcome of Crime No.176 of 2016 of Anandapuram Police Station, Visakhapatnam, registered on the report of the 2nd respondent/de facto complainant, for the offences punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State before ordering notice to respondent No.2/de facto complainant and perused the dismissal order of the learned District Judge dated 22.08.2017 in CrI.M.P.No.432 of 2017, more particularly, from the de facto complainant objected saying she cannot secure the witnesses to go around to Visakhapatnam.

Having regard to the above, there is nothing to interfere with the order, much less, to allow the application, but for, to say from the only difficulty expressed by the petitioners, particularly

of A1 is working in a hospital at Vizianagaram and the hospital Authorities are not granting him leave and he has to attend the matter pertaining to the maintenance claim of the Family Court, Visakhapatnam, thereby, remedy is left open to the petitioners by virtue of this order to file an application under Rule 37 of the Criminal Rules of Practice and the learned Magistrate to permit one among accused to represent others with necessary conditions of personal appearance as and when required.

Accordingly, the Transfer Criminal Petition is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:12-10-2017

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Dr. B. SIVA SANKARA RAO, J

