

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.181 of 2017

ORDER :

This petition is filed by the petitioner/respondent No.1 under Section 407 Cr.P.C., seeking transfer of D.V.C.No.17 of 2017 on the file of the IX Metropolitan Magistrate, Miyapur, to the I Additional Judicial Magistrate of First Class, Kadapa.

Heard the learned counsel for the petitioner, the learned Public Prosecutor representing the State and the learned counsel for respondent No.1/complainant.

The contention of the learned counsel for the petitioner is that originally an application made to the Protection Officer within Kadapa District. However, the petition is filed without referring to it in Miyapur Court, thereby, to transfer to that Court cannot be given pretence for the purpose of transfer, but for, to say if at all cognizance taken by the learned Magistrate is unsustainable and there is a remedy of appeal before the Court of Sessions against the order taken cognizance by the learned IX Metropolitan Magistrate, Miyapur, as D.V.C.No.17 of 2017, as laid down by this Court in *Gaddameedi Nagamani V. The State of Telangana rep. by Public Prosecutor* (CrI.P (SR) Nos.22371 of 2015 and batch).

Having regard to the above, there is nothing to entertain the transfer petition, but for, giving liberty to file appeal if at all

within one week from date of receipt of copy of this order before the Court of Sessions and in such an event the learned Sessions Judge shall entertain the appeal without regard to period of limitation for appeal.

Accordingly, the Transfer Criminal Petition is disposed of.

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

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Dr. B. SIVA SANKARA RAO, J

Date:26-10-2017

Note:

Issue C.C. tomorrow.

B/o.

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