

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRIMINAL PETITION NO.5 OF 2016

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C to withdraw C.C.No.888 of 2010 & C.C.No.612 of 2011 on the file of Additional Judicial Magistrate of First Class at Anantapur and transfer the same to any Court of Chief Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar, on the ground that a civil suit O.S.No.923 of 2014 on the file of XI Additional Chief Judge, City Civil Court, Hyderabad, for recovery of amount, whereas, the criminal cases are pending before the Judicial First Class Magistrate at Anantapur.

It is also contended by the learned counsel for the petitioner that, the petitioner is apprehending danger to his life due to threat from the first respondent, as the first respondent is a resident of Anantapur Town and he has close relatives in the same locality. The affidavit of third party, who is proposed witness, Mr. Potha Boyina Nagarjuna as P.W.2 in C.C.No.612 of 2011 pending on the file of Additional Judicial Magistrate of First Class at Anantapur, is also filed stating that he is facing threat and narrating the other circumstances about the information that was given to his mother and preventing him from appearing before the Court as a witness.

It appears, from the record that the apprehension of the petitioner is that, in case the witnesses have to be produced before the Court, they may face life threat or danger to their life. But, it is not based on any reasonable ground, except the affidavit of the

proposed witnesses by name Mr. Marri Krishna Reddy, s/o late Marri Deva Reddy i.e. the proposed witness in C.C.No.612 of 2011. In any view of the matter, if, really the witnesses or any other person are facing threat from the respondent(s), the course open to the Court is to appoint an Advocate Commissioner to record evidence of witnesses who are outside Anantapur District, subject to bearing expenses by the person who files the application, subject to result of the main case.

Sri Cherukuri Mastan Naidu also reported no objection for such proposal to appoint an Advocate Commissioner. Therefore, the Trial Court is directed to appoint an Advocate Commissioner to record evidence of any witnesses residing outside Anantapur District and dispose of C.C.No.888 of 2010 & C.C.No.612 of 2011 in accordance with law.

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

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.11.2017

SP