

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION Nos.44 & 162 of 2017

COMMON ORDER:

The grievance of the petitioner in seeking the transfer of S.C.No.247 of 2015 pending on the file of Assistant Sessions Judge, Nandigama, for the offence punishable under Section 354 IPC, wherein she is the defacto complainant is that the learned Sessions Judge is not entertaining any of the applications/representations of her. It is not even her case that she invoked Section 24(8) proviso of amended Cr.P.C. to conduct prosecution much less to assist the learned Public Prosecutor in any way. Once such is the case, when it is the mandate of the law of the prosecution to be conducted by the learned Public Prosecutor, her filing of any of such applications is only through learned Public Prosecutor.

Having regard to the above, there is nothing to transfer the petitions much less to transfer the case from that on the alleged ground of prejudice in the mind of the learned Sessions Judge, but for to say while disposing of the Transfer Criminal Petitions, the petitioner is at liberty if at all to conduct prosecution to file application under Section 24 (8) proviso of the amended Cr.P.C., for the learned Sessions Judge to hear and consider and pass orders.

Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 24.10.2017
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