

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.Crl.P.No.311 of 2014

ORDER

This petition is filed under Section 407 of Cr.P.C., to withdraw and transfer S.C.No.599 of 2013 pending on the file of VI Additional Sessions Judge, Godavarikhani, Karimnagar District, to any other Court at Warangal.

2. The main ground urged by petitioners/A1 to A3 before this Court is that they are facing life threat whenever they attend the Court in connection with the above case and thereby there is no possibility of facing fair trial before the Court. On one occasion, the first petitioner lodged a complaint with the police and the receipt dated 01.06.2014 acknowledging the complaint issued by the police is placed on record.

3. On the strength of the receipt dated 01.06.2014, counsel for petitioners contended that the petitioners are apprehending danger in the hands of the first respondent whenever they attend the Court to face trial and therefore, they sought for withdrawal and transfer of aforesaid case to any other Court at Warangal. But the copy of the complaint lodged with the police is not placed on record for verification whether there is any just or reasonable cause in making such complaint to the police about the life threat now complained by petitioners before this Court. Unless there is a reasonable apprehension based on some material, this Court cannot exercise its power under Section 407 of Cr.P.C., to withdraw and transfer S.C.No.599 of 2013 pending on the file of VI Additional Sessions

Judge at Godavarikhani, Karimnagar District, to any other Court at Warangal. However, to wipe out the apprehension, the Sessions Judge is directed to provide necessary police protection subject to condition of bearing expenses by the petitioners irrespective of the result of the Sessions Case on receipt of any written application complaining any threat in the hands of the first respondent.

4. With the above direction, the Transfer Criminal Petition is disposed of.

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

28th November, 2017

sj

M. SATYANARAYANA MURTHY, J

