

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.227 of 2017

ORDER :

This petition is filed by the petitioner/ accused under Section 407 Cr.P.C., seeking transfer of C.C.No.308 of 2016 on the file of the Judicial Magistrate of First Class, Peddapally, Karimnagar District, to any other competent Court in Karimnagar District, which is an outcome of the private complaint of the 2nd respondent/de facto complainant, registered for the offence punishable under Section 138 of the Negotiable Instruments Act.

Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State before ordering notice to the 2nd respondent and perused the grounds urged in the transfer petition.

The petitioner is seeking transfer of the said C.C. on the ground that there is a life threat to him, which has no basis. It is not even a case that any crime registered from any report given and it is not even a statement that there is anything borne by the record on bringing to the notice of the learned Magistrate of the trial Court on the date of the alleged threat by some persons at the instance of the 2nd respondent/de facto complainant, in calling, by Magistrate and warning them. Hence, there are no grounds to transfer the criminal petition.

Having regard to the above, the Criminal Petition is disposed of giving liberty to the petitioner to file an application under Section 205 Cr.P.C. before the learned Magistrate and the learned Magistrate to hear and consider with necessary conditions of personal appearance as and when required. The Deputy Superintendent of Police concerned is directed to provide police protection to the petitioner on paying usual charges, by virtue of this order, for attending the Court whenever required during pendency of the case.

Accordingly, the Transfer Criminal Petition is disposed of.

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

Date:26-10-2017
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Dr. B. SIVA SANKARA RAO, J

