

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.Crl.P.No.238 of 2017

ORDER

This petition is filed under Section 407 Cr.P.C. to withdraw and transfer P.R.C.No.22 of 2016 pending on the file of Judicial First Class Magistrate, Metpally, Karimnagar District, to any other competent Court at Hyderabad, on the main ground that there was no Presiding Officer in the Court of Judicial First Class Magistrate, Metpally, and that though the crime is of the year 2015, the case was not committed to the Sessions Division by following necessary procedure under Section 209 Cr.P.C.

2. The other contention of learned counsel for petitioner is that there is every danger to the life of petitioner to appear before the committal Court as four attempts were made against her life and that she being a woman made complaints to the police.

3. The case of petitioner from the beginning is that no Presiding Officer was posted to the Court of Judicial First Class Magistrate, Metpally, and thereby her appearance before the Court does not arise and that she did not disclose on what day she appeared before the Court and four attempts were made against her life, except making such bald allegation. But, at PRC stage, she is not required to attend the Court on every date of adjournment. Therefore, it is not a ground to withdraw and transfer the case at PRC stage.

4. The petitioner brought to the notice of this Court that she made four complaints on 16.05.2016, 24.05.2016, 01.06.2016 and 03.11.2017 to DGP complaining that there was a life threat to her

whenever she attends the Court at Metpally. No doubt, she being a woman, it is difficult for her to protect her life and if the respondent agreed to provide necessary police protection to her whenever she attends the Court in connection with P.R.C.No.22 of 2016, it is not a ground to withdraw and transfer the matter from one Court to another at PRC stage.

5. A similar question came up before the Apex Court in **Ranjit Singh and another Vs. Popat Rambhaji Sonavane and others**¹ where the Advocate at Pune filed an application for withdrawal and transfer of the case, but the State agreed to provide necessary police protection, the Apex Court dismissed the petition.

6. In the present case, learned Public Prosecutor for the State of Telangana agreed to provide necessary police protection to petitioner whenever she attends the Court in connection with PRC No.22 of 2016. Therefore, by applying the same principle in the above referred case to the present facts of the case, life threat is not a ground to withdraw and transfer the case. Apart from that she is not required to appear before the Court at PRC stage except one or two occasions as the case is triable exclusively by the Court of Session. Therefore, the apprehension of petitioner that there is life threat to her will be vanished after committal of the case to the Sessions Division. Hence, at this stage, the present petition for withdrawal and transfer of PRC is without merit and liable to be dismissed.

¹ AIR 1983 SC 292

7. In the result, the Transfer Criminal Petition is dismissed. However, the Judicial First Class Magistrate, Metpally/in-charge Magistrate, on application of petitioner, is directed to provide necessary police protection to her whenever she attends the Court in connection with P.R.C.No.22 of 2016.

8. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

8th November, 2017
sj

