

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.224 of 2017

ORDER :

Heard the learned counsel for the petitioner, who is respondent in M.C.No.19 of 2017 on the file of the II Additional Judicial Magistrate of First Class, Machilipatnam, Krishna District, filed by his wife/ 2nd respondent herein under Section 125 Cr.P.C. and the learned Public Prosecutor representing the State before ordering notice to respondent No.2.

The petitioner is seeking transfer of the case to the Judicial Magistrate of First Class, Eluru, alleging that there is a threat to his life in the hands of the 2nd respondent and her family members. There is no basis for the same, much less, of any attempt by preparation or giving of any police report to believe. Thus, there are no grounds to transfer the case, much less, to any Court in West Godavari District, particularly, Eluru. Needless to say, Section 126(2) Cr.P.C. enables the trial Magistrate to permit appearance through advocate by exempting personal appearance of petitioner as and when directed apart from Section 205 Cr.P.C. enables to file such an application by the petitioner to represent through special vakalat holder.

Having regard to the above, concession is given to the petitioner to file application under Section 205 Cr.P.C. before the lower Court to hear and consider with necessary conditions.

If at all there is any threat for attending the Court on the respective days, by virtue of this order, the petitioner can approach the Deputy Superintendent of Police to provide police protection on paying usual charges.

Accordingly, the Transfer Criminal Petition is disposed of.

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

Dr. B. SIVA SANKARA RAO, J

Date:24-10-2017

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