

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.247 OF 2017

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioner – *de facto* complainant seeking to withdraw S.C.No.504 of 2016 from the file of XI Additional District and Sessions Judge, Tenali, and transfer the same to the Metropolitan Sessions Judge, Vijayawada, or any other Sessions Court at Vijayawada.

2. Heard learned counsel for the petitioner, learned counsel for respondent Nos.2 to 6 - accused, learned Public Prosecutor representing respondent No.1 - State and perused the record.

3. It is submitted that the Additional Public Prosecutor appearing in the XI Additional District and Sessions Judge's Court, Tenali, was the defence counsel to respondent Nos.2 to 6 - accused at one point of time. It is also contended that the petitioner – *de facto* complainant is suffering from health hazards. Learned counsel for the petitioner wanted the Sessions Case to be transferred to any Court in Vijayawada.

4. Learned counsel for respondent Nos.2 to 6 would submit that if the Sessions Case is transferred to Guntur, respondent Nos.2 to 6 – accused have no objection. It is for respondent Nos.2 to 6 to attend the Court on each and every day to conduct their defence.

5. It makes no difference if the Sessions Case is transferred to any Court in Guntur or Vijayawada.

6. In the circumstances, the proceedings in S.C.No.504 of 2016 pending on the file of XI Additional District and Sessions Judge, Tenali, are withdrawn and are transferred to the Principal Sessions Court, Guntur. On transfer, the Principal Sessions Court, Guntur, shall dispose of the Sessions Case in accordance with the law.

7. Accordingly, the Transfer Criminal Petition is disposed of. Miscellaneous Petitions, if any, pending in this Transfer Criminal Petition shall stand closed.

December 06, 2017
MD

Dr. SHAMEEM AKTHER, J



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