

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**Tr.Crl.P.No.236 of 2017**

**ORDER**

This petition is filed under Section 407 Cr.P.C. to withdraw and transfer C.C.No.358 of 2016 pending on the file of Special Judicial First Class Magistrate for Prohibition and Excise, Guntur, to any other competent Court within the State, on various grounds.

2. The District Court is conferred power to withdraw and transfer the cases pending under the control of it and this Court can exercise power under Section 407 Cr.P.C. in external circumstances enumerated therein. As the petitioner is claiming withdrawal and transfer of C.C.No.358 of 2016 pending on the file of Special Judicial First Class Magistrate for Prohibition and Excise, Guntur, the District Court is equally competent to exercise its power under Section 408 Cr.P.C., to withdraw the pending case before it and transfer the same to any other competent Court to try the matter. Therefore, liberty is given to petitioner to file appropriate application under Section 408 Cr.,P.C., before the District Court seeking withdrawal and transfer of C.C.No.358 of 2016 pending on the file of Special Judicial First Class Magistrate for Prohibition and Excise, Guntur, and on filing such application, the District Court is directed to pass appropriate order in accordance with law.

3. With the above direction, the Transfer Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

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**M. SATYANARAYANA MURTHY, J**

8<sup>th</sup> November, 2017

sj