

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

Tr.CRIMINAL PETITION No.220 OF 2017

ORDER:

Heard learned counsel for the petitioner/defacto complaint of C.C.No.368 of 2014, pending on the file of Judicial Magistrate of First Class, Mydukur, which is outcome of Crime No.93 of 2013 of Chapadu Police Station, registered on her report against the accused persons 1 to 6, who are respondents 2 to 7 herein, for the offences punishable under Sections 448, 427, 509, 324 r/w 34 IPC and from the police final report, the learned Magistrate has taken cognizance and now, the defacto complainant is seeking to transfer the said case from Judicial Magistrate of First Class, Mydukur to the Court at Proddatur of same YSR Kadapa District and also heard the learned public prosecutor, representing the 1st respondent – State.

2. The two grievances vindicated in seeking to transfer application by the defacto complainant, who is the petitioner herein, are that she is suffering from Chronic Obstructive Pulmonary disease, undergoing treatment at Yashoda Hospital, Proddatur, not even a case of she is totally bedridden but for undergoing treatment at Proddatur. The Mydukuru court is undisputedly within the same District and even from the cause title of the accused persons, they are of different places either of Chapadu Mandal of YSR Kadapa

District or of Allagadda Town of Kurnool District or of Porumamilla Town, Kadapa District, which is on different end. Once such is the case, there are no grounds to transfer from the said health condition that too when she can attend the court only for giving evidence, whereas the accused shall attend the court regularly from difference places. So far as the vague allegation at Para 5 of the transfer application of there is a life threat concerned, there is no basis, much less, to say any attempt for attack or any giving of police report to consider. Needless to say, if there is any apprehension of her, by virtue of this order, she can approach the DSP concerned to provide at her expense the police protection for her going to court and giving evidence. Needless to say, she is also at liberty if at all to engage an advocate to conduct the prosecution as contemplated by Section 302 Cr.P.C. r/w section 24(8) *proviso* of amended Cr.P.C. to decide on merits.

3. Accordingly and with the above observation, this transfer criminal petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

23.10.2017
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