

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.253 OF 2017

ORDER:

This transfer criminal petition is filed under Section 407 of Cr.P.C with a request to withdraw S.C.No.216 of 2014 pending on the file of V Additional District and Sessions Judge, Rayachoti, YSR Kadapa District and transfer the same to the Principal District and Sessions Judge, Kadapa, YSR Kadapa District.

The sole ground urged before this Court is that the accused are highly influential persons and threatening this petitioner and in fact, the petitioner was threatened by the accused on one occasion, when he attended the Court to give evidence and thereby he gave oral complaint to the police concerned having jurisdiction over the area. But the police did not register any crime against the accused for the alleged threat, as such the petitioner apprehending danger to his life to attend the Court at Rayachoti and hence, sought for withdrawal of case and transfer the same to the Principal District and Sessions Judge, Kadapa.

Learned counsel for the petitioner submitted that the petitioner being an illiterate did not pursue the complaint to reduce into writing or send by post to the concerned authorities to take necessary action.

Undoubtedly, the apprehension due to threat, if any is proved, it is difficult for the petitioner to attend the Court to give evidence at appropriate stage. But the said apprehension is not based on any material and therefore, in the absence of any material, it is difficult to accept the contention of the petitioner that the witnesses may face threat when appeared before the Court to depose against the respondents. If really, the petitioner was put in fear of causing

injury, he would given report to the police concerned in writing or at least report the same to the Presiding Officer of the Court. But he simply made allegation that an oral complaint was given to the police, which was not registered by the police against the respondents and that itself is not sufficient to accept the contention to withdraw and transfer the case since the apprehension must be reasonable. The petitioner already appeared before the Court and was examined as witness. But no material was produced about the alleged threat. In such a case, it is difficult for this Court to accept the contention of the petitioner. If any such difficulty is faced to attend the Court either by the petitioner or his witnesses, he is directed to report the same to the Presiding Officer of the Court and on receiving the written report, the Presiding Officer of the Court is directed to provide necessary protection to the petitioner and to his witnesses to be examined in the Sessions Case on the day when they attend the Court subject to bearing the expenses.

With the above direction, the transfer criminal petition is disposed of.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

28.11.2017
kvrn