

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.6809 OF 2017

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner-defacto complainant seeking to quash the orders dated 30.11.2016 and 10.02.2017 in CrI.M.P. No.288 of 2016 in Tr. CrI.M.P. No.287 of 2016 passed by the learned Principal District & Sessions Judge, Krishna at Machilipatnam.

2. Heard the learned counsel for the petitioner, the learned Assistant Public Prosecutor appearing for respondent No.1-State and perused the record.

3. The respondents 2 to 8/accused filed the aforesaid transfer petition before the learned Sessions Judge to withdraw Sessions Case No.163 of 2015 from the file of the XVI Additional District & Sessions Judge, Nandigama and transfer it to the file of any other competent Court. The learned Sessions Judge, vide the impugned orders granted interim stay of all further proceedings in the aforesaid Sessions Case and extended the same until further orders.

4. The submission of the learned counsel for the petitioner is that the petitioner herein is the defacto complainant in the Sessions Case and that though the petitioner did not make any objection for the proposed transfer, no final order is passed by the learned Sessions Judge in the transfer petition though more than one year has elapsed.

5. Criminal proceedings are required to be disposed of expeditiously. Evidence of the witnesses in a criminal case is required to be recorded before their memory fades. There is no justification or any other reason for the learned

Sessions Judge in not passing any order in the transfer petition. Under these circumstances, the learned Principal District & Sessions Judge, Krishna at Machilipatnam is directed to dispose of Tr. CrI.M.P. No.287 of 2016 within a period of one week from the date of this order. Registry is directed to communicate copy of this order forthwith.

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

DR. SHAMEEM AKTHER, J

DATED: 31-01-2018

DRK



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31.1.2018