

HON'BLE Dr. JUSTICE SHAMEEM AKTHER
TRANSFER CRIMINAL PETITION No.11 OF 2018

ORDER:

This Transfer Criminal Petition is filed under Section 407 of Cr.P.C. seeking to withdraw D.V.C. No.33 of 2017 on the file of the Special Judicial Magistrate of First Class (Excise Court), Nellore, SPSR Nellore District, and transfer the same to the IV Additional Judicial Magistrate of First Class, Tirupati, Chittoor.

2. Heard both sides and perused the record.

3. In the course of submissions, it is submitted by the learned counsel for the petitioners that the presence of the petitioners may be dispensed with in the D.V.C. It is held by this Court in the earlier cases that the learned Magistrate in the D.V.C. shall not insist the appearance of the respondents, as the adjudication of the case is in civil nature. As and when required for a particular purpose, the learned Magistrate can do so.

4. In the circumstances of the case, learned Magistrate shall not insist the appearance of the petitioners in D.V.C. No.33 or 2017 pending on the file of the Special Judicial Magistrate of First Class (Excise Court), Nellore, SPSR Nellore District, unless they are specifically required for a particular purpose.

5. With the above observation, the Transfer Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this case, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 25-01-2018

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