

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.35 OF 2018

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 3, seeking to withdraw C.C.No.301 of 2016 from the file of the Additional Judicial First Class Magistrate, Ramachandrapuram, East Godavari District and transfer the same to the file of the Additional Judicial First Class Magistrate Court at Rajamahendravaram, East Godavari District.

2. Heard the learned counsel for the petitioners/accused Nos.1 to 3, learned Assistant Public Prosecutor representing the second respondent-State and perused the record.

3. The learned counsel for the petitioners/accused Nos.1 to 3 would submit that OP.No.56 of 2016 filed by the first petitioner-husband is pending before the Court at Rajahmundry. It is also contended that the relatives of the first respondent-wife have threatened the first petitioner and dragged him on one occasion in the Court premises. Immediately, he filed a memo before the Magistrate concerned but the said Magistrate has not taken any action. Further, there is life threat to the petitioners at Ramachandrapuram and ultimately prayed to transfer C.C.No.301 of 2016 from the file of the Additional Judicial First Class Magistrate, Ramachandrapuram, East Godavari District to the file of the Additional Judicial First Class Magistrate Court at Rajamahendravaram, East Godavari District.

4. Had the incident taken place, as alleged by the petitioners herein, they would have invoked the remedies available under the

law. There is no record to show that any complaint was made to the police with regard to the alleged incident. The pendency of O.P.No.56 of 2016 to dissolve the marriage between the husband and wife before the Rajahmundry Court cannot be a ground to affect the transfer of C.C.No.301 of 2016. The Court at Ramachandrapuram has got jurisdiction and it is also convenient to the witnesses to depose before the Court and expedite the trial of the case. If the petitioners have any difficulty in attending the Court, they can seek dispense of their presence by filing appropriate applications. There are no circumstances or justified reasons to allow the petition, as prayed for.

5. The Criminal Petition is dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

12th February 2018
RRB