

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.38 OF 2018

ORDER:

This Criminal Petition is filed under Section 407 of Cr.P.C. to withdraw D.V.C.No.31 of 2017 on the file of the learned VI Additional Judicial First Class Magistrate, Rajahmundry and transfer the same to any other competent court in Hyderabad.

2. Heard the learned counsel for the petitioners/respondents, the learned Assistant Public Prosecutor representing the respondent No.4-State and perused the record.

3. The learned counsel for the petitioners would submit that the petitioners/respondents are residing in Hyderabad and unnecessarily they are being vexed without there being any just cause by filing the impugned D.V.C. It is convenient for them, if the same is transferred to any Court situated at Hyderabad.

4. It is not in dispute that the present Court of VI Additional Judicial First Class Magistrate, Rajahmundry has no jurisdiction to entertain the D.V.C. case. Merely because, it is convenient to the petitioners/respondents, it is not appropriate to withdraw the said D.V.C. case and transfer the same to any Court in Hyderabad. Naturally, the appearance before the Court at Rajahmundry causes a little inconvenience to the petitioners/respondents. There is no compulsion for them to attend in the impugned D.V.C. case. The matter relates only to grant of maintenance and protection as per the terms of the Protection of Women from Domestic Violence Act, 2005.

5. Under these circumstances, the learned VI Additional Judicial First Class Magistrate, Rajahmundry shall not insist the appearance of the petitioners/respondents in the impugned D.V.C. whenever it is listed for hearing. However, the learned Magistrate may direct the appearance of the petitioners/respondents when there is a specific purpose to do so.

6. With the above observation/direction, the Transfer Criminal Petition is disposed of. Miscellaneous petitions, if any pending in this Criminal Petition, shall also stand dismissed.

Dr. SHAMEEM AKTHER, J

Date: 15-02-2018

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