

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.49 of 2018

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioner/de-facto complainant, requesting to withdraw S.C.No.27 of 2010 and C.C.No.291 of 2002 from the file of Assistant Sessions Judge, Tanuku, West Godavari District, and transfer the same to any other Court of Assistant Sessions Judge in West Godavari District, for trial and disposal in accordance with law.

2. Heard the learned counsel for both sides and perused the record.
3. The learned counsel for the petitioner would submit that the Additional Public Prosecutor, who is representing the prosecution case in the subject Sessions Case, was earlier, the counsel for the accused. The said representation has not been made before the Court of Sessions when the transfer petition was filed there.
4. The Court of Sessions, while dealing with the subject matter, held that the apprehension of the petitioner that the 1st respondent, who is the councillor of Tanuku Municipality, would influence the Public Prosecutor as well as the Court and that the said apprehension is based on surmises and imaginations. Having answered all the contentions raised before it, the Court below negated the request of the petitioner/de-facto complainant. The findings of the Court below are based on material on record and the Court below held that mere apprehension is not sufficient to transfer the proceedings from one Court to other Court. The subject matter of this Criminal Petition has been elaborately dealt by the Court

below. This Court finds no infirmity in the reasoned order passed by the Court below warranting interference under Section 482 of Cr.P.C. No case is made out to consider the request of the petitioner/de-facto complainant. The Transfer Criminal Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, this Transfer Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Transfer Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

21st February, 2018
Bvv

