

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

TRANSFER CRIMINAL PETITION No.56 OF 2018

ORDER:

Notice sent to the first respondent is served. No representation for the first respondent. Hence, heard the learned counsel for the petitioners.

This petition is filed under Section 407 of Code of Criminal Procedure (Cr.P.C) seeking to transfer M.C.No.17 of 2014 pending on the file of the IV Additional Judicial Magistrate of First Class, Chittoor, to any Court of competent jurisdiction at Ananthapuramu. The ground on which the transfer sought for, as per the petitioners, is that earlier the first petitioner's father, who was working in Railway Department, was posted at Chittoor and she used to reside with him and therefore, she filed Maintenance Case before the IV Additional Judicial Magistrate of First Class, Chittoor and the matter is now coming up for trial. While so, in the meanwhile her father retired and now he resides in his native place at Ananthapuramu. The first petitioner along with her little son is also residing in her father's house at Ananthapuramu. The first respondent, who is her husband, is an employee in Hindupur, which is nearer to Ananthapuramu. Therefore, M.C.No.17 of 2014 may be transferred.

This Court finds force in the above submission of the learned counsel for the petitioners. As per the above submissions, the petitioners are now residing at Ananthapuramu but the first respondent is residing at Hindupur town, which is nearer to Ananthapuramu and farther to Chittoor. Therefore, for the convenience of both parties, this petition is allowed.

In the result, this petition is allowed and M.C.No.17 of 2014 is directed to be transferred from the Court of the IV Additional Judicial Magistrate of First Class, Chittoor, to the Judicial Magistrate of First Class, Ananthapuramu, to be tried according to law.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

06.04.2018
pln

