

SMT JUSTICE T. RAJANI

TRANSFER CRIMINAL PETITION No.203 of 2017

ORDER:

The transfer criminal petition is filed seeking to withdraw SC.No.34 of 2013 from the file of the Sessions Judge, Mahila Court, Visakhapatnam and transfer the same to any other nearest Court in Visakhapatnam.

2. Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the first respondent. None appears for the second respondent, in spite of notice.

3. The ground on which transfer is sought for is that the Presiding Officer is conducting the trial in such a manner, by openly proclaiming that the petitioner will be sent to jail and from the beginning of the trial, the Judge started controlling the witnesses and on number of occasions, the learned Judge directed the witnesses to stick to their versions of 161 Cr.P.C. statements.

4. The allegations, on the face of it, appear to be mere imagination of the petitioner, as the number of witnesses cited in this case are 15 and several witnesses were already examined and depositions are also filed along with the petition, which shows that ample opportunity was being given to the petitioner, to cross-examine the witnesses and the manner in which the evidence was recorded does not anywhere reflect that there was any bias in the mind of the officer. Hence, in such circumstances, the transfer of the case, as sought for, cannot be permitted.

The transfer criminal petition is dismissed. As a sequel,
the miscellaneous petitions, if any pending, shall stand closed.

January 5, 2018
DSK

T. RAJANI, J

