

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

TRANSFER CRIMINAL PETITION No.81of 2018

ORDER:

Heard learned counsel for petitioner and this Transfer Criminal Petition is disposed of at the admission as this Court finds no reason to order notice to respondent.

This petition is filed under Section 407 Cr.P.C to transfer Criminal Appeal No. 199 of 2014 from the file of VII Additional District and Sessions Judge, Prakasam District, Ongole to the Court of VI Additional District and Sessions Judge, Markapur, Prakasam District.

The main ground on which the transfer is sought for by the petitioner/appellant is that his residence is in Kanigiri Town and the Court of VII Additional District and Sessions Judge, Prakasam District, Ongole is at the distance of 100 KMs, which takes around three hours journey from his native place, however, Markapur is nearer to his native place which is at a distance of 25 KMs. On this submission, learned counsel seeks for transfer of the matter.

The distance alone cannot be taken as a ground for transferring the matter. It should be noted that the matter is in the stage of appeal and not in the trial stage, where the petitioner/appellant may have to frequent to the trial Court for number of adjournments.

As already stated, the matter is in the stage of appeal and the matter will be decided only for hearing the arguments and the petitioner's indulgence or giving instructions to his counsel does not arise. In that view of the matter, the petitioner's request for transfer of the matter cannot be considered.

Accordingly, the Transfer Criminal Petition is dismissed.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 23.03.2018
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U.DURGA PRASAD RAO, J

