

SMT. JUSTICE T. RAJANI

TRANSFER CRIMINAL PETITION No.158 OF 2013

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Code'), seeking to withdraw S.C. No.382 of 2010 pending on the file of the VI Additional Sessions Judge (III Fast Track Court), Warangal at Mahabubabad and transfer the same to the District Judge, Warangal.

2. Heard the learned counsel for the petitioners and the learned counsel for respondent No.2.

3. The grounds, on which the transfer is sought for, as submitted by the learned counsel for the petitioners, are that the *de facto* complainant filed a petition seeking for appointment of Special Public Prosecutor in this case in place of Additional Public Prosecutor, and that the said petition was dismissed, and that later the wife of deceased filed a memo stating that the accused, who are petitioners herein, are threatening her and other witnesses, and that the Court issued a notice to the accused calling for their explanation, and that on the basis of the earlier petition filed by respondent No.2 herein and the memo filed by the wife of deceased, the petitioners apprehend that the learned Additional Sessions Judge may get prejudiced, and thereby they may not get fair trial. But, absolutely there is no merit in the said argument. When there is a complaint made by any of the parties, the Court, in order to ascertain the truth, would cause some enquiry. Issuance of

notice by the said Court is only a part of the said enquiry. Hence, finding no merit in the argument of the learned counsel for the petitioner, the Criminal Petition is liable to be dismissed.

4. Accordingly, the present Transfer Criminal Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in the present Transfer Criminal Petition stand closed.

November 26, 2018
Mgr

SMT. T. RAJANI, J

