

SMT. JUSTICE T. RAJANI

TRANSFER CRIMINAL PETITION Nos.142 AND 143 OF 2013

COMMON ORDER:

The Transfer Crl.P. No.142 of 2013, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioner - respondent seeking to withdraw D.V.C. No.7 of 2011 from the file of I Additional Chief Metropolitan Magistrate, Vijayawada and transfer the same to any of the competent Court at Hyderabad, whereas Transfer Crl.P. No.143 of 2013 is filed by the very same petitioner seeking to withdraw Calendar Case No.242 of 2010 from the file of II Additional Chief Metropolitan Magistrate, Vijayawada and transfer the same to any of the competent Court at Hyderabad.

2. The learned counsel for the petitioner submits that there is a threat of life to the petitioner in the hands of respondent No.1 and her people, and that in that regard, he filed a complaint, which is registered as Crime No.106 of 2013 for the offences punishable under Section 323 and 506 IPC, which shows that on 21.03.2013 the petitioner attended the Court proceedings in D.V.C. No.7 of 2011 and after adjourning the case while he was returning from the Court, two people came behind him and abused him in filthy language and pressurized him to compromise the matter. They also beat him, tore his shirt and kicked him with their legs.

3. The learned counsel for the petitioner placed reliance on the judgment of Hon'ble Supreme Court in **Nahar Singh Yadav and**

another v. Union of India & others¹, wherein the Apex Court laid down the broad factors, which shall be kept in mind in considering application for transfer. One of the said factors is, existence of some material from which it can be inferred that the some persons are so hostile that they are interfering or are likely to interfere either directly or indirectly with the course of justice. Hence, *prima facie*, from the fact that the complaint was given by the petitioner herein alleging that he was threatened by the people of respondent No.1, this Court opines that it is a fit case to transfer the aforesaid cases.

4. Accordingly, the present Transfer Criminal Petitions are allowed, and D.V.C. No.7 of 2011 from the file of I Additional Chief Metropolitan Magistrate, Vijayawada, and Calendar Case No.242 of 2010 from the file of II Additional Chief Metropolitan Magistrate, Vijayawada, are withdrawn and are transferred to the District Judge, Chittoor. The District Judge, Chittoor, is directed to allot both cases to the competent Court in its District for inquiry and disposal in accordance with law.

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

SMT. T. RAJANI, J

November 06, 2018
Mgr

¹. 2011 (3) SCJ 50