

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.127 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 of Cr.P.C with a request to withdraw C.C.No.518 of 2012 pending on the file of II Additional Munsif Magistrate, Ongole, for the offences punishable under Sections 498-A, 494 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act and transfer the same to the any competent Court at Guntur on the ground that the petitioner is suffering from oral cancer since 2017 and now underwent operation and he is staying with his mother, who is a retired employee residing at Guntur and that it is difficult for him to appear before the Court on every date of adjournment being cancer patient and prayed to withdraw C.C.No.518 of 2012 and transfer the same to any competent Court at Guntur.

Learned Public Prosecutor opposed the petition on the ground that most of the witnesses are from Ongole and only four witnesses are from Guntur. The distance between Ongole and Guntur is more than 150 kms and thereby it is difficult for the prosecution to produce the witnesses before the Court at Guntur and prayed for dismissal of the petition and requested the Court to direct the petitioner to file an appropriate application to dispense with his presence on the date of adjournments.

The only ground urged before this Court is that he is suffering from oral cancer since 2017 and that he is residing along with his mother, who is a retired employee and it is difficult for him to appear before the Court being cancer patient, on every date of adjournment. Most of the witnesses are from Ongole and only four witnesses are from Guntur. In such a case, it is appropriate to direct the petitioner to file an application under Section 205 Cr.P.C. along with medical record before the Court below and on filing such application, the Court below is requested to consider the request of the petitioner keeping in mind the health condition of the petitioner and pass appropriate orders within a week from the date of receipt of a copy of this order.

Accordingly, the Transfer Criminal Petition is disposed of at the stage of admission.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

18.06.2018
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