

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.131 of 2018

ORDER :

The petitioner is the *de facto* complainant. Respondent Nos.2 to 4 are the accused in C.C.No.390 of 2016 on the file of the IV Additional Chief Metropolitan Magistrate, Vijayawada. The *de facto* complainant is seeking to transfer the case to the Judicial First Class Magistrate, Tadepalligudem.

2. A perusal of the charge sheet in C.C.No.390 of 2016 shows the *de facto* complainant given the report with her address at Vijayawada. Her mother, during investigation examined as LW.2, also given her address at Ramalayamvari Street, Vijayawada. LWs.4 and 5 i.e., Kalavakollu Mahesh Babu and Arepalli Nagulu, also shown as witnesses of Vijayawada. No doubt, LW.3 Allada Naga Lakshmi, LW.6 Budda Baburao, address shown at Rajahmundry. LW.7 Selli Venkateswararao, LW.8 P. Visweswararao, LW.9 T.Anjibabu, LW.10 P.Somamma, LW.11 Ramisetty Suresh all shown residents of Tadepalligudem. Merely because the *de facto* complainant changed her residence to Thadepalligudem, she cannot ask for transfer of the calendar case that too when the accused belongs to Vijayawada and some of the witnesses in the charge sheet belongs to Vijayawada.

3. Having regard to the above, there are no grounds to allow the transfer application to transfer C.C.No.390 of 2016 on the file of the

IV Additional Chief Metropolitan Magistrate, Vijayawada, to Judicial
First Class Magistrate, Tadepalligudem.

4. Accordingly, the transfer criminal petition is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No
costs.

29th October 2018
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Dr. B. SIVA SANKARA RAO, J

