

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.147 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C with a request to withdraw C.C.No.391 of 2016 pending on the file of Additional Judicial Magistrate of First Class, Vizianagaram and transfer the same to any competent Court at Vijayawada, East Godavari or West Godavari on the sole ground that father of the 2nd respondent is working as Circle Inspector in Vizianagaram District and when he allegedly forged the signature of the petitioner, who is a senior Section Officer (Bridges) in South Central Railway, filed complaint with the police, which was registered as Crime No. 39 of 2017, but no development in the investigation. It is further alleged that the father of the 2nd respondent being a police officer influencing the Presiding Officer of the Court and that the Presiding Officers are yielding to the pressures of the father of the 2nd respondent.

During hearing learned counsel for the petitioner reiterated the grounds raised in the petition and whereas, learned Additional Public Prosecutor opposed the criminal petition.

Undisputedly, father of the 2nd respondent is police officer, working as Inspector in police department at Vizianagaram and a crime was registered against him for the alleged offence of forgery of the signature of the 2nd respondent. But there is absolutely no material to conclude that the father of the 2nd respondent influencing the Presiding Officers in the headquarters of Vizianagaram and the Presiding Officers are yielding to the request of the father of the 2nd respondent to do favour to the 2nd respondent and making such bald allegations lead to serious consequences without any material before the Court. Every day, the police officers used to appear before the Court in connection with pending cases either being investigating officer or otherwise, but the Courts will never yield the

requests of the police officers attending to the Court and no specific instance is brought to the notice of the Court that the Presiding Officer of the Court yielded the request of the father of the 2nd respondent, who is a police officer in the head quarters at Vizianagaram. In the absence of any specific instance brought to the notice of the Court to establish *prima facie* the presiding officers are yielding to the pressure or request of the police officers and did favour to the police officers. Based on such bare allegation, the Court cannot withdraw the pending C.C. and transfer the same to any other Court. If such practice is allowed to continue, it is difficult for the Courts to discharge duties effectively. Therefore, the ground urged by the petitioner is not sufficient to exercise power under Section 407 Cr.P.C. and consequently, I find that the petition is liable to be dismissed.

Accordingly, the Transfer Criminal Petition is dismissed.

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

06.07.2018
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M.SATYANARAYANA MURTHY,J

