

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7360 OF 2018

ORDER:

Heard both sides.

2. Though it is one of the contentions that the impugned order of the learned Principal District and Sessions Judge in CrI.MP.No.649 of 2018 in transferring C.C.No.28 of 2016 from the file of the Additional Judicial Magistrate of First Class, Sompeta to the Judicial Magistrate of First Class, Palasa, which is 35 k.m away from Sompeta to Palasa, that too, when all the witnesses mostly are in and around Sompeta Mandal, the ordeal to the witnesses not considered for they have to travel 35 k.m. with no need, on vague allegations in transferring the matter from the say that there was threat with no basis much less giving of any police report if at all there is a threat.

3. The accused are residents of Guntur District, Chebrolu Mandal, Vejendla Village, practically, it may not be difficult for them having undertaking the journey from Guntur either to Palasa or Sompeta or Srikakulam. So far as the inconvenience to the witnesses concerned, the learned Public Prosecutor before the Special Judge, while passing order did not oppose the same and wants the District Judge to exercise the discretion. Hence, this Court is not readily interfere with the order for nothing to show it is abuse of process and that too, it is the prosecution that secure the witnesses and meet their T.A. D.A.

4. With the above observations, the Criminal petition is rather than dismissal, disposed of, since trial is already commenced. This order will not influence the mind of the Court to consider impugment to the transfer of the matrimonial matter from Sompeta to Srikakulam.

5. Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:05.12.2018
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