

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.136 OF 2018

ORDER:

This criminal petition is filed under Section 407 of the Code of Criminal procedure, 1973 (for short 'Cr.P.C') to withdraw D.V.C. No.3 of 2018 pending before the Court of IV Additioanl Metropolitan Magistrate, Visakhapatnam and transfer the same to the Court of Additional Judicial Magistrate of First Class, Mangalagiri or to any competent court, on various grounds.

The main ground raised by the counsel for the petitioners before this court is that the first petitioner is working as Head Constable, ASAP 6th battalion at Managalagiri and it is difficult for him to appear before the court at Visakhapatnam on every date of adjournment in connection with D.V.C.No.3 of 2018.

During hearing, the learned counsel for the petitioners reiterated the same ground and prayed to withdraw D.V.C. No.3 of 2018 pending before the Court of IV Additioanl Metropolitan Magistrate, Visakhapatnam and transfer the same to the Court of Additional Judicial Magistrate of First Class, Mangalagiri or to any competent court.

In **GIDUTHURI KESARI KUMAR AND OTHERS V. STATE OF TELANGANA REP. BY PUBLIC PROSECUTOR AND ANOTHER**¹ this Court held that the parties in DVC are not required to appear before the Magistrate on every date of adjournment, since it is a quasi civil in nature.

¹ 2015(2) ALD (CrL.) 470

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In view of the observation made by this Court in the case referred above, the parties in DVC are not required to appear on every date of adjournment like criminal case.

Therefore, the IV Additional Metropolitan Magistrate, Visakhapatnam, is directed to follow the guidelines laid down by this Court in **GIDUTHURI KESARI KUMAR** case referred above.

With the above direction, the transfer criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

Date:27.06.2018
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M. SATYANARAYANA MURTHY, J

