

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.168 OF 2017

ORDER:

This petition is filed under Section 407 Cr.P.C. to withdraw C.C.No.437 of 2016 on the file of the Judl. I Class Magistrate, Prohibition and Excise Court, Guntur and transfer the same to any other Judl. Magistrate of I Class Court, Tadepalligudem, West Godavari District.

2. Heard learned counsel for the petitioners and perused the record.

3. It is submitted that two petitions filed by the petitioner and 2nd respondent are pending before the Court at Tadepalligudem viz., one is filed for divorce and other for restitution of conjugal rights.

4. The requirements to proceed in C.C.No.437 of 2016 and to grant the relief under divorce as well as restitution of conjugal rights are not similar. It is further contended that all the witnesses in the C.C. belong to Tadepalligudem. It is not in dispute that the Court at Guntur has jurisdiction to try C.C.No.437 of 2016. If all the cases are disposed of by different Courts, no prejudice would be caused to the petitioners. The Court will look into the evidence, documents and determine the lis between the parties. Therefore, the denial of request would not cause any prejudice or loss to the petitioner-husband.

5. Accordingly, the Transfer Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 26-02-2018.

Hsd