

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.121 OF 2016

ORDER:

This transfer criminal petition is filed by the petitioner-de facto complainant under Section 407 Cr.P.C. to withdraw C.C.No.244 of 2010 on the file of the Judl. Magistrate of I Class, Gunthakal, Anantapur District and transfer the same to Metropolitan Magistrate, Miyapur, Ranga Reddy District.

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that divorce O.P. filed by the husband of the petitioner (2nd respondent herein) was withdrawn and transferred to a Court, situated at Ranga Reddy. The petitioner is living with her parents at Kukatpally, Hyderabad. The Court at Ranga Reddy is convenient for her. Attendance of the petitioner in C.C.No.244 of 2010 before the Court at Gunthakal, is causing inconvenience and hardship and ultimately, prayed to allow the petition.

4. The point for determination is whether the request of the petitioner can be acceded to?

5. The cause of action arises at Gunthakal. Number of witnesses are at Gunthakal. The transfer of divorce O.P. from one Court to another Court as stated by the petitioner was on different grounds. In the instant C.C.No.244 of 2010, the appearance of the petitioner is not required on the dates of hearings. The learned Assistant Public Prosecutor concerned would take care of the case. The withdrawal of C.C.No.244 of 2010 from Gunthakal would certainly cause

inconvenience and hardship to the 2nd respondent facing trial therein. There is no justification in the request made by the petitioner-wife. Therefore, the petition is devoid of merit and is liable to be dismissed.

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

DR.SHAMEEM AKTHER, J

DATED: 29-01-2018.

Hsd

