

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.187 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C with a request to withdraw Crl.A.No.146 of 2012 and Crl.A.No.159 of 2012 pending on the file of X Additional District and Sessions Judge, Krishna Division at Machilipatnam and transfer to any other competent Court within Krishna District for disposal on the sole ground that the petitioner/appellant was attacked by men of the respondent on 19.06.2018 when he attended the Court in connection with the above appeal.

The only reason for withdrawal and transfer of criminal appeals is life threat on account of alleged attack on 19.06.2018. in fact, the petitioner prosecuted the calendar case before the Court at Machilipatnam sufficiently for a long time and even in appeal also from 2012 onwards, no such incident took place. But suddenly when the petitioner appeared before the Court in connection with the appeal, the incident of attack was took place on 19.06.2018. Learned counsel also expressed that there is no grievance against the presiding officer of the Court.

Taking into consideration of the facts and circumstances of the case, if X Addition District and Sessions Judge, Krishna Division, Machilipatnam is directed to provide necessary protection to the petitioner on receipt of any requisition, whenever he attends the Court in connection with Crl.A.Nos.146 and 159 of 2012 pending on its file, the purpose will be served and the question of apprehending danger in the hands of the respondent would not arise.

Therefore, the transfer criminal petition is disposed of directing X Addition District and Sessions Judge, Krishna Division, Machilipatnam to provide necessary police protection to the petitioner on receipt of any requisition subject to bearing expenses, whenever he attends the Court in

connection with Crl.A.Nos.146 and 159 of 2012 pending on its file and also consider the request to dispense with his presence keeping in view the law declared by the Apex Court in **M/s Bhaskar Industries Ltd. V M/s Bhivani Denim and Apparels Ltd. and others**¹.

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

M.SATYANARAYANA MURTHY,J

23.08.2018
kvrm



¹ AIR 2001 SC 3625