

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.190 OF 2018

ORDER:

This Transfer Criminal Petition is filed under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Code') to withdraw Crl.R.P. No.70 of 2017, pending on the file of the X Additional District Judge, Gurazala, Guntur District and transfer the same to the District Judge, Nellore, on the sole ground that the petitioner herein is the resident of Balaji Nagar, Nellore, and there is no direct conveyance from Nellore to Gurazala, and whereas, respondent No.1 is residing at Piduguralla. It is also contended that this petitioner is facing inconvenience to appear before the Court in Criminal Revision Petition, and requested to grant the aforesaid relief.

2. The Criminal Revision Petition is filed before the X Additional District Judge at Gurazala, against the order, dated 13.03.2017, passed in M.C. No.33 of 2016 filed under Section 125 of the Code, by the learned Principal Junior Civil Judge, Piduguralla, granting maintenance of Rs.12,000/- to respondent No.1 - wife and Rs.6,000/- per month to respondent No.2 - son herein, and the same is pending. Now, the present Transfer Criminal Petition is filed by the petitioner - husband for transfer of the aforesaid Criminal Revision Petition on the ground that it is inconvenient for him to undertake journey from Nellore to Gurazala as there is no direct bus or train facility from SPSR Nellore. No doubt, there is no direct bus or train facility from Nellore to Gurazala, but the petitioner herein is not required to appear before the Court on every date

of hearing in a criminal revision filed under Sections 397 and 399 of the Code, and his advocate can prosecute the proceedings on his behalf. Therefore, the inconvenience to undertake journey from Nellore to Gurazala, is not at all a ground to exercise the power under Section 407 of the Code to withdraw the Criminal Revision Petition 70 of 2017 from the file of X Additional District Judge, Gurazala, Guntur District and transfer the same to the competent Court at Nellore, and on the other hand, if the Criminal Revision Petition is withdrawn and transferred, wife of the petitioner has to face lot of difficulty being a woman to undertake journey and appear before the Court engaging a counsel at Nellore. In such a case, request of the petitioner cannot be acceded to. Consequently, I find no ground to exercise power under Section 407 of the Code.

In the result, the present Transfer Criminal Petition is dismissed, at the admission stage itself. However, the learned X Additional District Judge, Gurazala, is directed to dispose of Criminal Revision Petition No.70 of 2017, as expeditiously as possible, in any event not less than six (06) months from the date of receipt of a copy of this order. No order as to costs.

Consequently, the Miscellaneous Petitions, if any, pending in the present Transfer Criminal Petition, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

September 06, 2018
Mgr