

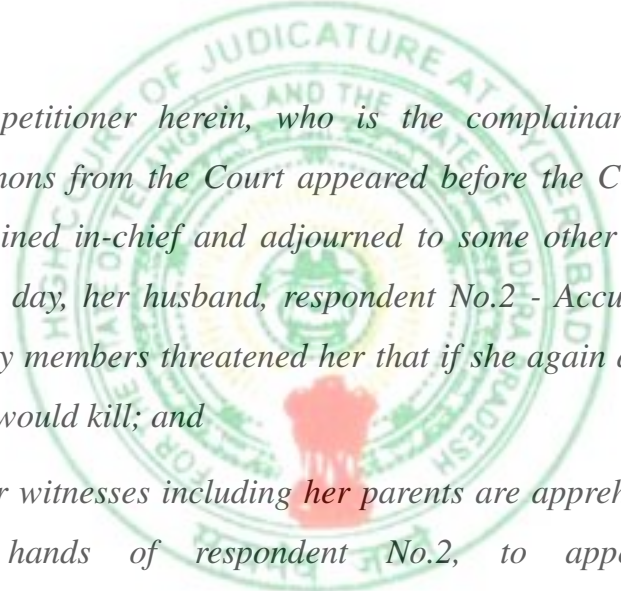
**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**TRANSFER CRIMINAL PETITION No.195 OF 2018**

**ORDER:**

This Transfer Criminal Petition is filed under Section 407 of the Code of Criminal Procedure, 1973 (for short 'Code') to withdraw Calendar Case No.322 of 2016, pending on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar, and transfer the same to the Court of Judicial Magistrate of First Class at Kalwakurthy, Mahabubnagar District, on the following two grounds:

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- (i) *The petitioner herein, who is the complainant, on receipt of summons from the Court appeared before the Court and she was examined in-chief and adjourned to some other date, and on the same day, her husband, respondent No.2 - Accused No.1 and his family members threatened her that if she again attends the Court, they would kill; and*
  - (ii) *Other witnesses including her parents are apprehending danger in the hands of respondent No.2, to appear before the XIV Metropolitan Magistrate Court at L.B. Nagar, as respondent No.2 and his family members are local of the said area having support of anti-social elements and they may cause harm to them at any stage”;*

and requested for the aforesaid relief.

2. The main apprehension of the petitioner herein is that she was threatened by respondent No.2 and his family members not to appear before the Court, and if she appears before the Court to give evidence they would kill her. When respondent No.2 and his family members exerted such pressure on the petitioner with a threat to kill, she ought

not to have maintained silence and she ought to have lodged a complaint with the police, but the petitioner did not make any complaint about the threat she received in the hands of respondent No.2 and his family members either to the Presiding Officer of the Court or to the police having jurisdiction, and in the absence of any material, based on a bald allegation in the petition filed under Section 407 of the Code, this Court cannot exercise power under Section 407 of the Code to withdraw the aforesaid Calendar Case and transfer the same to any other Court as per the convenience of the petitioner herein. If really, the petitioner herein and her family members are facing any such threat to appear before the Court at L.B. Nagar, the petitioner herein is at liberty to complain the same to the Magistrate where the case is pending or report to the police about the threat exerted on her by respondent No.2 herein. If any such complaint is lodged with the police or with the Magistrate about the threat from respondent No.2 and his family members, the Magistrate is directed to provide necessary police protection to the petitioner herein and witnesses, who appear before the Court in connection with Calendar Case No.322 of 2016 on date of adjournment, and this direction would suffice to wipe out the apprehension in the minds of the petitioner and other witnesses, who will face full-fledged fair trial without fear or favour.

3. With the above direction, the present Transfer Criminal Petition is disposed of, at the admission stage itself. No order as to costs.

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

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**JUSTICE M. SATYANARAYANA MURTHY**

September 11, 2018  
Mgr

