

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.196 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C with a request to withdraw C.C.No.245 of 2015 pending on the file of Judicial Magistrate of First Class, Special Mobile Court at Narsapur, Medak District and transfer the same to the Court of I Additional Judicial Magistrate of First Class, Warangal.

The first petitioner lodged report with the police Bollaram and the same was registered as case in Crime No.39 of 2015, for the offences punishable under Sections 498-A and 494 IPC. On the basis of the complaint, the police took up investigation and examined witnesses and filed charge sheet before the Court below and that the Court below took cognizance of offences in C.C.No.245 of 2015 and issued summons to the accused and pending for trial.

The petitioners filed this petition on the ground that the 1st petitioner is not in a position to appear before the Court on several dates of adjournments since the distance between place of residence and the Court at Narsapur, Medak District is more than 200 km and she cannot undertake journey from Warangal to Narsapur along with three years old child and requested to allow the petition.

During hearing, learned counsel for the petitioners reiterated the contentions raised in the petition.

Learned Public Prosecutor opposed the petition on the ground that the petitioner is not required to appear before the Court on every date of adjournment except on the date of her examination.

The 1st petitioner is the complainant and she is required to appear before the Magistrate as witness and that the 2nd petitioner has nothing to do with the calendar case before the Court below and at best, the 1st

petitioner is required to attend the Court on one or two occasions i.e whenever the she attends the Court as witness, the Court will pay T.A and other allowances. Therefore, for appearance before the Court on one or two occasions and undertaking journey more than 200 km from Warangal to Narsapur, cannot be withdrawn and transferred. As such the ground raised by learned counsel for the petitioners is without any merit and consequently, the transfer criminal petition is liable to be dismissed.

In the result, the transfer criminal petition is dismissed at the stage of admission.

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

12.09.2018
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M.SATYANARAYANA MURTHY,J