

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.198 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C with a request to withdraw C.C.No.1036 of 2017 pending on the file of I Additional Junior Civil Judge, Kurnool and transfer the same to the competent Court at Nampally, Hyderabad on the ground that the petitioner is not in a position to undertake journey cover more than 220 km from Hyderabad to Kurnool as he undergone bye-pass surgery and that the doctors also advised him not to undertake journey for a long distance.

The calendar case was filed for the offence punishable under Section 138 of the Negotiable Instruments Act and that the present of the petitioner can be dispensed with by the Court on an application filed under Section 205 Cr.P.C. in view of the law declared by the Apex Court in **M/s Bhaskar Industries Ltd. V M/s Bhivani Denim and Apparels Ltd. and others¹**. Instead of withdrawing and transfer the case, the petitioner is permitted to file an appropriate application under Section 205 Cr.P.C. annexing the material placed before this Court to dispense with his appearance on all date of adjournments and on filing the said application, the Magistrate is directed to dispose of the same within a week, keeping in mind the principles laid down by the Apex Court in **M/s Bhaskar Industries Ltd.'s** case referred supra.

With the above direction, the transfer criminal petition is dismissed.

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

M.SATYANARAYANA MURTHY,J

12.09.2018
kvrm

¹ AIR 2001 SC 3625