

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.208 of 2018

ORDER :

The petitioner is the one of the witnesses i.e., LW.2 in the Sessions Case No.334 of 2015 pending on the file of the Additional Assistant Sessions Judge, Machilipatnam, for the offences punishable under Sections 498-A and 306 read with 34 IPC against four accused of whom the 2nd accused-Vanka Seetha Mahalakshmi died and case is pending against the other three accused, who are respondent Nos.2, 4 and 5 of the present transfer application. LW.2 went unsuccessful in seeking transfer before the learned Sessions Judge, Machilipatnam, by Transfer CrI.M.P.No.193 of 2019, dated 04.19.2018, to transfer the case from the Additional Assistant Sessions Judge, Machilipatnam to any of the Assistant Sessions Judge at Vijayawada in saying mainly of herself and other witnesses to depose, particularly LWs.2 to 5 belong to Vijayawada and difficult to go and also vague allegations about so-called threaten signals and indications including through their persons by the accused persons on other witnesses including herself and fear to depose.

2. Undisputedly, as mentioned in the grounds of appeal in answering to the order of the learned Sessions Judge, no date of the alleged threats mentioned, even mentioned about numerous instances at least for one and no report even given to police bringing to their

notice any such threats and the so-called ill-health not even a ground, thereby there are no grounds to transfer.

3. Now it is the submission that there is prejudice to the trial Judge from the unheeding by the petitioner herein of the suggestion of possible settlement, it is made clear that the learned Sessions Judge was impartially shall conduct the trial and proceed with the matter uninfluenced by any such averment or apprehension, it shall not be in the mind of the litigant public including herself.

4. With these observations, the transfer criminal petition is disposed of, rather than dismissal, giving liberty to the witnesses to address the police to provide necessary police protection for their attending Machilipatnam Court during the time of giving evidence. The learned Sessions Judge shall proceed with the trial day-to-day as per spirit of Section 309 Cr.P.C. by fixing fresh trial scheduled if not already trial schedule fixed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

22nd October 2018
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Dr. B. SIVA SANKARA RAO, J