

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

TRANSFER CRIMINAL PETITION No.36 OF 2013

ORDER:

This transfer criminal petition is filed by the petitioners/accused 1 to 4 seeking to transfer C.C.No.96 of 2012 from the file of Principal Judicial Magistrate of First Class, Siddipet, to any other court for disposal according to law.

2. Notice to 2nd respondent served, but, there is no representation. Heard learned counsel for petitioners and learned additional public prosecutor, representing for the State.

3. In C.C.No.96 of 2012, the defacto complainant is the father-in-law of the 1st petitioner herein. He gave complaint to police of Siddipet I Town, which was registered as a case in Crime No.225 of 2012 for the offence under Section 324 r/w 34 IPC and after investigation, police laid charge sheet, which was taken cognizance and registered as C.C.No.96 of 2012 and now, pending on the file of Principal Judicial Magistrate of First Class, Siddipet. As per the submission of learned counsel for petitioners, trial in that case is yet to begin.

4. The brief allegations in the above said case are that on 24.12.2012 at about 10.30am, when the defacto complainant, his daughter and his relations attended the

court, the accused and his people also attended there and at that time, the accused bet the complainant. Hence, the charge under Section 324 r/w 34 IPC. It is to be noted that regarding the same incident, the 1st petitioner also gave a complaint to the Station House Officer, Siddipet, against the defacto complainant and some others, which was registered as a case in Crime No.226 of 2012 for the offence under Section 324 r/w 34 IPC and after investigation, police filed charge sheet, which was taken cognizance and registered as C.C.No.226 of 2012 and the said case is also pending on the file of Principal Judicial First Class Magistrate, Siddipet. So, it is obvious that C.C.No.96 of 2012, wherein the present petitioners are the accused and C.C.No.226 of 2012, wherein the 1st petitioner is the defacto complainant, are in the nature of case and counter as they arose out of the same incident and at the same place and time.

5. Be that it may, the reason for the petitioners to seek transfer of C.C.No.96 of 2012 from the court of Principal Judicial Magistrate of First Class, Siddipet, to another court is that they are apprehending danger to their life in the hands of the accused in C.C.No.226 of 2012 i.e., father-in-law of 1st petitioner and his relations. On this ground, the accused seeks transfer of the C.C.No.96 of 2012.

6. It is to be noted that as already stated supra, C.C.No.96 of 2012 and C.C.No.226 of 2012 are in the nature of case and

counter and therefore, to avoid conflict of judgment, both cases should be decided by the same court. Further, it is informed to this Court that C.C.No.226 of 2012 is now in the stage of Section 313 Cr.P.C. examination. In that view of the matter, it is not advisable to transfer C.C.No.96 of 2012 from the court of Principal Judicial Magistrate of First Class, Siddipet to a different court, which will cause prejudice to all the parties concerned in my considered view. However, taking into consideration the apprehension expressed by the petitioners, they are given liberty to file an application before the court of Principal Judicial Magistrate of First Class, Siddipet, regarding their security, in which event, the said court shall pass a suitable order giving directions to the concerned police to extend the security to them till disposal of both the cases.

7. Accordingly, with the above observation, this transfer criminal petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

24.07.2018

Note:1. Issue C.C. by tomorrow.

2. Office is directed to send this order to the Principal Judicial Magistrate of First Class, Siddipet forthwith.

B/o.SS