

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TR. CRIMINAL PETITION No.222 of 2018

ORDER:

This Transfer Criminal Petition under Section 407 Cr.P.C. is filed to withdraw C.C.No.488 of 2015 pending on the file of Judicial Magistrate of First Class, Naidupeta, SPSR Nellore District, and transfer the same to the Family Court, SPSR Nellore District, on the ground that the petitioner is facing life threat to appear before the Court in connection with the said C.C.

During hearing, learned counsel for the petitioner reiterated the said contention and requested this Court to withdraw and transfer C.C.No.488 of 2015 to the Court of the Family Judge, SPSR Nellore District from the Judicial First Class Magistrate, Naidupeta, SPSR Nellore District.

C.C.No.488 of 2015 is pending before the Judicial Magistrate of First Class, Naidupeta, since 2015 and till date, no such complaint was made either the police or to the Magistrate where the Calender Case is pending complaining that the petitioner is facing life threat in the hands of the respondents. For the first time, it is invented in Transfer CrI.M.P.No.1243 of filed before the Principal Sessions Judge, Nellore, which is ended in dismissal.

When the petitioner raised such a specific contention that the petitioner is facing life threat to appear before the Court in connection with the above Calender Case, she must have substantiated her contention by placing material in support of it, at least, she would have lodged a complaint with the police about the threat, she is facing in the hands of the respondents and no such specific instance is made out in the earlier petition and even till date, no such complaint was made to the Magistrate where Calender Case is pending, about the threat she is being faced by her in the hands of respondents. In the absence of any material to

substantiate the contentions, this Court cannot exercise power under Section 407 Cr.P.C. to withdraw and transfer of the Calender Case. In any view of the matter, in case, the petitioner is really facing such threat, the petitioner may complain to the police having jurisdiction or to the Magistrate where calendar case is pending and on making such complaint, the Magistrate is requested to provide police protection to the petitioner whenever she attends the Court in connection with C.C.No.488 of 2015, subject to bearing expenses.

With the above direction, this Transfer Criminal Petition is disposed of.

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

M. SATYANARAYANA MURTHY, J

Dt: 08-10-2018
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