

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.250 of 2017

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed seeking to transfer of C.C. No.7 of 2010 pending on the file of the I Additional Judicial Magistrate of First Class, Warangal, to any other Court in Warangal District.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the respondent-State and perused the record.

3. The apprehension of the petitioner is that she would not get the justice before the Court below. It is stated that she has no other remedy except seeking the relief of transfer of C.C. No.7 of 2010 from the Court below to some other Court.

4. As seen from the record, the Calendar Case pertains to the year 2010. It is required to be disposed of expeditiously. The petitioner contends that she is at liberty to lead her evidence in detailed manner to prove her case, but the learned Magistrate failed to consider her request and the learned Magistrate is not even interested to hear the petitioner herein. It is pertinent to state that relevancy of the evidence shall be the criteria and the Court is not supposed to write whatever stated by the witnesses. The Prosecutor has to take care and get the relevant material on record. If any part of the evidence is irrelevant, the Court may refuse to record the same. There is a procedure in recording the evidence and the Court has to strictly adhere to that procedure. In that process, nothing irrelevant is to be recorded. There is nothing to find fault with the Court below. The petition is devoid of merits. However in the circumstances of

the case, the Court below is directed to expedite the trial of the case and dispose of the case as expeditiously as possible.

5. With the above direction, the Transfer Criminal Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

26th February, 2018

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