

TRANSFER CRIMINAL PETITION No.319 OF 2014

ORDER:

The petitioners are accused Nos. 1 to 3 in C.C.No.694 of 2013 on the file of the II Additional Judicial First Class Magistrate, Nizamabad.

2. The plea is that the said case in which the accused persons are arrayed on counts referable to 498-A I.P.C., be transferred from the Nizamabad Court to the Court of the III Additional Judicial Munsif Magistrate, Ongole at Prakasam, on the ground that petitioners/accused Nos. 2 and 3 are aged persons and independent persons, who can be cited as witnesses, are also called upon to that Court.

3. This Court has already granted an interim order on 26.11.2014 dispensing with the appearance of the three accused persons before the Court below. Obviously, they could be asked to appear only when they are required to be present in connection with the trial of the case. The territorial jurisdiction itself is not a matter, which is un-settled on the facts and circumstances of the case. Hence, the proximity of the residences of any of the independent witnesses, which the petitioners or the respondents may like to examine in the Criminal Case, either in support of the prosecution or the defence, is not by itself sufficient to transfer of that case.

4. In the result, affirming the order dated 26.11.2014, regarding dispensation of the appearance of the accused persons, this matter is closed clarifying that such interlocutory order will not preclude the trial Court from requiring the appearance of the

accused personally as and when it can be required for completion of the trial.

5. Miscellaneous applications, if any, pending, shall also stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 14th December, 2018

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