

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.263 OF 2017

ORDER:

This Transfer Criminal Petition is filed under Section 407 Cr.P.C. by the petitioner-defacto complainant seeking to withdraw Sessions Case No.160 of 2016 pending on the file of the VI Additional Sessions Judge, Mahaboobabad, Warangal District and transfer the same to any other competent Court in Warangal town.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the State. There is no representation on behalf of unofficial respondents. Perused the record.

3. Learned counsel for the petitioner would submit that husband of the petitioner by name Laxmaiah was murdered by unofficial respondents on 21.04.2015; that the alleged incident took place when the petitioner and her husband were attending agricultural works; that trial in Sessions Case No.160 of 2016 on the file of the VI Additional Sessions Judge, Mahaboobabad is scheduled to commence on 22.01.2018 and there are about 19 witnesses in this case. It is his further contention that the unofficial respondents (accused) are influential persons and with the aid of the local politicians, they are making attempts to threaten the witnesses from deposing in favour of the petitioner; that if the trial of the case is proceeded in the Court of the VI Additional Sessions Court, Mahaboobabad, grave injustice would be caused to the petitioner, and ultimately, prays to transfer the case to any other competent court as prayed for.

4. On the other hand, the learned Additional Public Prosecutor would submit that no witness has complained about the alleged threats made by the unofficial respondents (accused). However, he submits that the police concerned are ready to provide adequate protection to the petitioner as well as other witnesses, and ultimately, prayed to dismiss the Criminal Petition.

5. In view of the contentions put forth by both sides, the point for determination is whether the Sessions Case No.160 of 2016 pending on the file of the VI Additional Sessions Judge, Mahaboobabad, Warangal District can be withdrawn from the file of the said Court and transferred to any other competent Court in Warangal town as prayed for ?

6. As per the submissions made, trial of the Sessions Case No.160 of 2016 is scheduled to commence from 22.01.2018. The petitioner is said to be eye-witness to the alleged offence. The allegation that the unofficial respondents (accused) are trying to influence the witnesses, is without any substance and material. It is only based on the imagination of the petitioner. So far, there is no record to establish that the unofficial respondents (accused) threatened any of the witnesses.

7. Further more, the alleged incident is said to have taken place on 21.04.2015. Due to lapse of time, memory of the witnesses may fade. It is desirable to record their evidence at the earliest. The offence relates to murder of husband of petitioner-defacto complainant. Gravity of the offence is high. In the interest of justice, trial of the case has to commence as scheduled. It cannot be held that the unofficial respondents (accused) would influence the witnesses. No sufficient ground is made out to transfer the

case as prayed for. The Criminal Petition is devoid of merits and is liable to be dismissed. However, the Station House Officer concerned is directed to provide adequate protection to the material witnesses for their deposing before the Court.

8. With the above observation, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 19.1.2018
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19.1.2018