

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL REVISION CASE No.3156 OF 2017**

**ORDER:**

The present Criminal Revision Case is filed questioning the order, dated 20.11.2017, in Transfer Crl.M.P.No.3259 of 2017 passed by the Metropolitan Sessions Judge-cum-I Additional District & Sessions Judge, Visakhapatnam, whereby and whereunder, the petition filed under Section 408 of the Code of Criminal Procedure, 1973, was allowed withdrawing Calender Case No. 56 of 2014 from the Court of II Metropolitan Magistrate-cum-Railway Court, Visakhapatnam, and transferring the same to IV Special Magistrate, Visakhapatnam.

Sri V.V.N.Narasimham, learned counsel for the revision petitioner, would strongly contend that the 1<sup>st</sup> respondent, who is the complainant in Calender Case No.56 of 2014, which was originally filed before I-Additional Chief Metropolitan Magistrate, Visakhapatnam, was responsible for dragging on the proceedings, for the reason that when the matter reached the stage of arguments, he filed two miscellaneous petitions, one for receiving the documents and the other for recalling PW.1 i.e., himself to mark the documents and, on the other hand, he filed Transfer Crl.M.P.No.3259 of 2017 on the file of Metropolitan Sessions Judge-cum-I Additional District & Sessions Judge, Visakhapatnam, levelling an allegation that the II Metropolitan Magistrate was dragging on the case without disposing it off and, therefore, the learned Metropolitan Sessions Judge was not right in allowing the transfer petition. Learned counsel would also express that the case cannot be

dragged on, that too, at the act of the complainant himself without there being any finality to the proceeding.

In such an event, instead of entering into the reasons assigned by the learned Metropolitan Sessions Judge, which, of course, cannot be commented for the reason that when he is presiding over the said court vested with the power of superintendence, certainly, the power exercised in ordering withdrawal of the case and transferring it to IV Special Magistrate, Visakhapatnam, cannot be faulted. The grievance of the revision petitioner can be resolved by giving a direction to the IV Special Magistrate, Visakhapatnam, to dispose of the Calender Case by fixing timeline.

Since it is stated that already the case reached the stage of arguments and two miscellaneous petitions said to have been filed by the complainant are pending, the learned IV Special Magistrate is directed to dispose of the said two miscellaneous petitions in accordance with law and then dispose of the Calender Case within three months from the date of receipt of a copy of the order.

The present Criminal Revision Case is, accordingly, disposed of. As a sequel thereto, miscellaneous applications, if any pending in the present revision stand closed.

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**A. SHANKAR NARAYANA, J**

January 03, 2018

**Note:** Registry to communicate the order  
by 05.01.2018.

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