

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
TRANSFER CRIMINAL PETITION No.22 OF 2019

ORDER:

This Transfer Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 to 3 seeking to withdraw S.C.No.55 of 2018 from the file of Assistant Sessions Judge – cum – Senior Civil Judge, Mancherial, and transfer the same to any Court at Siddipet having jurisdiction to try the same.

2. Heard learned counsel for the petitioners/accused Nos.1 to 3 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioners/accused Nos.1 to 3 would submit that the petitioners/accused Nos.1 to 3 are apprehending that there will not be fair trial before the Assistant Sessions Court at Mancherial, since respondent No.2 – *de facto* complainant is a practicing Advocate and relied on the decisions of the Honourable Supreme Court in *Vikas Kumar Roorkeval v. State of Uttarakhand and others*¹ and *Usmangani Adambhai Vahora v. State of Gujarat and another*² and ultimately, prayed to allow the petition.

4. Merely because respondent No.2/*de facto* complainant is a practicing Advocate, it cannot be said that there would not be a fair trial. Further more, the submissions made on behalf of the

¹ (2011) 2 SCC 178

² (2016) 3 SCC 370

petitioners/accused Nos.1 to 3 are based on surmises and imaginations. Basing on the material on record, it cannot be held that there will not be a fair trial.

5. Hence, the Transfer Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Transfer Criminal Petition shall stand closed.

March 08, 2019.
MD

Dr. SHAMEEM AKTHER, J

