

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.8 of 2016

ORDER :

Heard both sides and perused the prayer in the transfer petition seeking to transfer S.C.No.83 of 2014 on the file of the learned Sessions Judge, Mancherial, Adilabad District to any Sessions Court in Warangal.

2. The allegation in support of the prayer in the transfer petition by the affidavit of the *de facto* complainant/petitioner is that her husband is working in LIC at Mancherial with own house and the 2nd respondent/accused is a contractor and when he was laying the road near their house by drawing water from the house from that acquaintance he taken undue advantage and started sitting at their house by developing acquaintance with her husband and at one time her husband was sick he pretended as much concerned with their family to take care of when joined in Yashoda Hospital, Hyderabad, and she alone stayed at hotel room and taking advantage he used to come there and started misbehaving by unheeding her refusals and warnings and also tried to molest her and also photographs of her taken, for which she lodged the complaint covered by the Sessions Case supra.

3. It is averred so far the transfer application concerned, she filed another complaint covered by Crime No.489 of 2013 dated 25.09.2013 where a calendar case with cognizance pending for the offences under Sections 354 D, 509 and 506 IPC with IV Additional Judicial First Class Magistrate, Warangal and because of his harassment she is not in a position to go to Mancherial to attend the adjournments in Sessions Case

No.83 of 2014 and thereby it is just to transfer S.C.No.83 of 2014 to any Court at Warangal to sub serve the ends of justice.

4. Same is opposed by learned counsel for the accused/respondent.

5. From hearing merely because there is another case from her report registered and after investigation filed charge sheet at Warangal Magistrate Court that is not a ground for transfer of the Sessions Case from Mancherla to Warangal. In the course of hearing, it is one of the submissions that there are life threats from the accused to the *de facto* complainant to attend the Court and to give evidence, that is not borne by averments in the transfer petition supra, leave about no proof regarding any giving of police complaint as to when there were threats and in what manner. Thereby, nothing cognizance can be taken to that submission, leave about if at all there are any such threats, it is the duty of the police to provide necessary escort to the *de facto* complainant to attend the Court to give evidence, also the other witness, leave about if at all she wants to engage any advocate in the prosecution she can invoke Section 24(8) proviso of the amended Cr.P.C. to consider within its limitations.

6. Accordingly and with these observations, the transfer petition is disposed of rather than dismissal.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

19th February 2019

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