

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Tr.CRIMINAL PETITION No.220 of 2018

ORDER :

The petitioner is the *de facto* complainant in Sessions Case No.599 of 2013 pending on the file of VI Additional Sessions Judge, Godavarikhani for the offences punishable under Section 302 IPC, which is out come of Crime No.290 of 2012 of GDK-I(T) Police Station, Karimnagar District, dated 03.11.2012 and the police after investigation charge sheeted three accused, who are respondents 2 to 4 herein after examination of LW.1-complainant and other circumstantial witnesses LWs. 2 to 4 and 6 and eye-witnesses LWs.5, 7 and 8 besides mediators to the inquest and photographer and scene observation and the doctor, who conducted autopsy and investigating officer, who investigated and filed charge sheet against LWs.1 to 15, takes cognizance and after framing of charges from the appearance of the accused, accusation of parties put to trial and in the course of trial, five witnesses appears already examined. At this stage, seeking transfer by saying the accused persons are threatening the *de facto* complainant and the witnesses and there is a life threat. From the report of the *de facto* complainant sister in this regard, the police on 20.07.2018 registered a Crime No.402 of 2018 under Section 506 read with 34 IPC against the accused for the threats to the said witnesses. There is *prima facie*, sustainable accusation, thereby to say the apprehension in the hands of the accused for the witnesses to face the consequences to appear before the Court and give evidence as witnesses must be free in deposing before the Court in the voyage of trial where the truth is the quest, the Court cannot ignore threat

and registration of the crime pending investigation from the *prima facie* allegation a ground for transfer thereby transferring the case by withdrawing from the learned VI Additional Sessions Judge, Godavarikhani and transferring to the learned Additional Sessions Judge, Manchiryal to proceed further with the trial of the case as expeditiously as possible. It is needless to say that the Superintendent of Police concerned shall arrange to provide the necessary police assistance as and when required by the witnesses to attend the Court and give evidence.

Accordingly, the transfer criminal petition is allowed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22.02.2019.
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