

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

TRANSFER CRIMINAL PETITION NO: 24 OF 2018

Between:

Sk. Tajuddin, S/o.Ameer Basha, R/o. No. 125 "A" Cross, Nanja Reddy Colony,
Murugesh Palya, Bangalore-560018

...PETITIONER/ ACCUSED

AND

1. The State of Telangana, through its Public Prosecutor, High Court,
Hyderabad.
2. S.Sravani, W/o.Tajuddin, H.No. SS II 28, Teachers Colony, Near park,
Mahabubnagar

...RESPONDENTS

Petition under Section 402 of the CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be please to withdraw the case the DVC. No.22/2016 on the file of Judicial First Class Magistrate, Mahabubnagar and Transfer the same to the Court at Hyderabad, in the interest of justice.

I.A. NO: 1 OF 2018

Petition under Section 402 of CrI.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in the D.V.C.No.22/2016 on the file of Judicial First Class Magistrate, Mahabubnagar, pending disposal of the above transfer Criminal Petition, in the interest of justice.

This Petition coming on for hearing, upon perusing the affidavit filed in support thereof and upon hearing the arguments of Sri D.RAMAKRISHNA, Advocate for the Petitioner and of the Assistant Public Prosecutor on behalf of the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER
TRANSFER CRIMINAL PETITION No.24 OF 2018

ORDER:

This Transfer Criminal Petition is filed under Section 402 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") by the petitioner/Accused seeking to withdraw the D.V.C.No.22 of 2016 pending on the file of Judicial First Class Magistrate, Mahabubnagar and to transfer the same to the Courts at Hyderabad.

2. Heard learned counsel for the petitioner/Accused. None appeared for the 2nd respondent. Perused the Record.
3. Learned counsel for the petitioner submits that there is no marriage performed between the petitioner and the 2nd respondent and only to harass him, the present DVC case was filed by her. He further submits that there is no jurisdiction to try the DVC case at Mahbubnagar since the petitioner and 2nd respondent never lived as wife and husband at Mahbubnagar or anywhere else. He further submits that the grievance of the petitioner is that the petitioner is residing at Bangalore and that he has to travel all the way from Bangalore to Mahbubnagar, therefore, it would be convenient for him if the trial of the case goes on at Hyderabad.

4. Having regard to the facts and circumstances of the case, the Judicial First Class Magistrate at Mahabubnagar is directed not to insist upon the appearance of the petitioner unless specifically required. The petitioner shall give an undertaking that in his absence the proceedings conducted by his counsel will not be disputed by him in any manner. By virtue of this order, the petitioner shall not take unnecessary adjournments in the trial Court.

5. Accordingly, the Transfer Criminal Petition is disposed off.

Miscellaneous applications, pending if any, shall stand closed.

Sd/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judicial First Class Magistrate, Mahabubnagar District.
2. Two CCs to the Public Prosecutor (TS), High Court for the State of Telangana at Hyderabad (OUT)
3. One CC to Sri D.Ramakrishna, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

Kj.

HIGH COURT

DATED:26/08/2022



ORDER

TRCRLP.No.24 of 2018

TR.CRL.P. IS DISPOSED OFF.

Am
26/10/2022