

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

FRIDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE DR. JUSTICE D.NAGARJUN

TRANSFER CRIMINAL PETITION NO: 45 OF 2022

Between:

Telugu Govindamma, W/o Telugu Pedda Ramudu, Hindu, aged about 60 years,
Occ. Agriculture, R/o Peddapalli Village, Maldakal Man Jogulamba Gadwal District,
TS

...Petitioner/ Mother of Deceased

AND

1. Baliya Shiva Shankar, S/o Baliya Veeranna, Age 42 years, Hindu, Caste Baliya, Occ. Agriculture, R/o Peddapalli Village, Maldakapdandal, Jogulamba Gadwal District, TS.
2. Baliya Virupakshi, S/o. Gandhi, Age 52 years, Hindu, Caste Baliya, Occ. Agriculture, R/o Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
3. Uppari Ajay, S/o PeddaKistanna, Age 46 years, Hindu, Caste Uppari, Occ. Agriculture, R/o Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
4. Boya UdutalaThimmanna, S/o Yeliappa, Age 51 years, Hindu, Caste Boya, Occ. Agriculture, R/o Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
5. Duvasipally Anjaneyulu, S/o Rangananna, Age 46 year, Hindu, Caste Boya, Occ. Agriculture, R/o Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
6. Uppari Ashok, S/o Shivanna, Age 38 years, Hindu, Caste Uppari, Occ. Agriculture, R/o Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
7. Dubbi Ramudu, S/o Sayanna, Age 66 years, Hindu, Caste Boya, Occ. Agriculture, R/o. Peddapalli Village, Maldakal Mandal, Jogulamba Gadwal District, TS.
8. The State of Telangana, rep.by the Public Prosecutor, High Court at Hyderabad.
9. The Director of Prosecutions, Telangana, DGP Office Complex, Saifabad, Hyderabad.
10. The State of Telangana, rep by its Principal Secretary, Home (Courts. A1) Department, Secretariat, Hyderabad.
11. The Station House Officer, Maldakal, Jogulamba Gadwal District.

...RESPONDENTS

Petition under Section 407 Cr.P.C praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to transfer S.C No

346 of 2008 on the file of the Principal District and Sessions Judge, Jogulamba Gadwal District to the competent Criminal Court of law in the State of Telangana in the interest of justice.

I.A. NO: 1 OF 2022

Petition under Section 151 CPC 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 S.C.No.346 of 2008 on the file of the Principal District and Sessions Judge, Jogulamba Gadwal District pending disposal of the main TR.CRL.P.,

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Venkateshwarlu Gummadavelly, Advocate for the Petitioner and Sri P. Giri Kumar, learned Counsel for the Respondents No. 1 & 2, Sri N.Janardhan Reddy, learned Counsel for the Respondent No.3, Sri R. Laxmikanth Reddy, learned counsel for Respondent No. 4 & 5, Sri P.Devender, learned counsel for Respondent No. 6 & 7, and Sri T.V.Ramana Rao Learned Additional Public Prosecutor on behalf of the Respondent No. 8 to 10.

The Court made the following: ORDER

THE HONOURABLE Dr. JUSTICE D. NAGARJUN
TRANSFER CRIMINAL PETITION No.45 OF 2022

ORDER:

This Transfer Criminal Petition is filed by the petitioner under Section 407 of the Criminal Procedure Code (for short 'Cr.P.C.') seeking transfer of S.C.No.346 of 2008 on the file of the learned Principal District & Sessions Judge, Jogulamba-Gadwal District, to the competent Court of Law in the State of Telangana.

02. Heard Sri B. Narayana Reddy, learned Senior Counsel appearing on behalf of Sri Gummadavetty Venkateshwarlu, learned counsel for the petitioner as well as Sri T. V. Ramana Rao, learned Additional Public Prosecutor for the State / Respondents No.8 to 10, Sri P. Giri Kumar, learned counsel for the respondents Nos.1 and 2, Sri N. Janardhan Reddy, learned counsel for the respondent No.3, Sri R. Laxmi Kanth Reddy, learned counsel for the respondents Nos.4 and 5 and Sri P. Devender, learned counsel for the respondents Nos.6 and 7 and perused the record.

03. It is submitted by the learned counsel for the petitioner that the petitioner has an apprehension that the learned trial Judge is unduly influenced by the accused therein through the learned Public Prosecutor therein and sought for transfer of S.C.No.346 of 2008 on the file of the learned Principal District & Sessions Judge, Jogulamba-Gadwal District to any other competent Court in the State of Telangana.

04. During the course of hearing, the learned counsel for the petitioner and the learned counsel for the respondents have reported no objection for transferring S.C.No.346 of 2008 to the learned Principal District & Sessions Judge, Mahabubnagar.

05. No material is placed by the learned counsel for the petitioner in support of allegations attributed by him. Time and again some litigant public are filing this kind of petitions attributing false and baseless allegations. Courts shall be very slow in entertaining this kind of petitions seeking transfer of cases from one Court to another. However, considering the consent given by learned counsel

for the respondent, even though there are no merits in the allegations leveled against the learned trial Judge in this Transfer Criminal Petition, this Transfer Criminal Petition is disposed of transferring S.C.No.346 of 2008 on the file of the learned Principal District & Sessions Judge, Jogulamba-Gadwal District to the learned Principal District & Sessions Judge, Mahabubnagar, for disposal in accordance with law. There shall be no order as to costs.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

//TRUE COPY//

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal District and Sessions Judge, Jogulamba Gadwal District
2. The Station House Officer, Maldaka Jogulamba Police Station, Gadwal District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri, Venkateshwarlu Gummadavelly, Advocate [OPUC]
5. Two CD Copies

BJLB
DL

HIGH COURT

DATED:20/01/2023

ORDER

TRCRLP.No.45 of 2022



TRANSFER
CRIMINAL PETITION
IS DISPOSED OF

8 v/v
9/3/23