IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE K.SUJANA

TRANSFER CRIMINAL PETITION NO: 125 OF 2025

Between :

R.Siva Jyothi, W/o.Dr.S.Sai Prasad, Aged 55 years, Occ Advocate, R/o. Flat No. 401, D. No. 2-2-647/3/3/1, Sai Brindavan Residency, Bagh Amberpet, Hyderabad

...Petitioner/Complainant

AND

1. The State of Telangana, Rep.by its Public Prosecutor, High Court of Telangana, At Hyderabad.

...Respondent/Respondent

2. C.Sanni Babu, S/o. C. Mohan Rao, aged 59 Yrs., Occ Employee, R/o. Flat No.S-1, II Floor, D.No.2-2-647/3/3/1, Sai Brindavan Residency, Bagh Amberpet, Hyderabad-13
3. C.Bharathi,, W/o. C. Sanni Babu, aged 44 Yrs., Occ Professional, R/o. Flat No.S-1, II Floor, D.No.2-2-647/3/3/1, Sai Brindavan Residency, Bagh Amberpet, Hyderabad-13
4. Vuggam Lalaiah, S/o. V. Appaiah, aged 45 Yrs., Occ Employee, R/o. Flat No. F-2, I Floor, D.No.2-2-647/3/3/1, Sai Brindavan Residency, Bagh Amberpet, Hyderabad-13
5. D.Satish Chandra, S/o. D. Narsimhulu, aged 53 Yrs., Occ. Govt., Employee, R/o. Flat No. T-1 (301), 3rd Floor, D.No.2-2-647/3/3/1, Sai Brindavan Residency, Bagh Amberpet, Hyderabad – 13.

...Respondents/Accused

Petition Under Section 447 of BNSS Praying to transfer the CC.No.899 of 2015 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, to any other Court.

I.A. NO: 1 OF 2025

Petition under Section 447(6) BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in CC.No.899 of 2015 on the file of the court of the IV ACMM, MCCC, at Hyderabad pending disposal of the main Transfer criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Lattupally Anand, Advocate for the Petitioner and Public Prosecutor on behalf of the Respondent No.1 and None for the Respondent No.2 to 5.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

TRANSFER CRIMINAL PETITION No.125 of 2025

DATE: 12.12.2025

Between:

R. Siva Jyothi

.... Petitioner/
Complainant

AND

The State of Telangana,
Rep. by its Public Prosecutor,
High Court of Telangana
at Hyderabad and 4 others.

.... Respondent

ORDER

This Transfer Criminal Petition is filed by the petitioner, who is the complainant in C.C.No.899 of 2015 on the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 406, 420, 448, 452, 506 and 509 read with 34 of IPC.

2. The petitioner earlier filed Tr.Crl.M.P.No.16 of 2025 before the learned Sessions Judge seeking transfer of the case, which was dismissed holding that no grounds were made out. Aggrieved thereby, the present petition is filed contending that the learned Sessions Judge failed to consider the submissions made by the learned counsel for the petitioner.

3. In the trial Court, the learned counsel for the petitioner submitted that the trial Court has been passing erroneous docket orders and that the trial Court wrongly recorded proceedings as if a memo was filed, though in fact a petition under Section 309 Cr.P.C. was filed; that the docket order dated 16.07.2025 incorrectly recorded arguments as submitted on 05.03.2025 instead of 12.03.2025; and that such errors resulted in recalling PW.1 to fill gaps in the defence. He further submitted that the trial Court made contemptuous remarks against the petitioner attributing dishonesty and falsehood, thereby creating a reasonable apprehension of bias and prejudice, and seeks transfer of the case.

4. On the other hand, the learned counsel for the respondent contended that cognizance was taken on 30.09.2015, copies were furnished on 31.01.2018, and pre-charge evidence was recorded on 08.07.2019. The matter was repeatedly adjourned due to petitioner's failure to adduce evidence. Though a recall petition under Section 311 Cr.P.C. was allowed on 09.02.2023, the petitioner again delayed proceedings. Despite granting 13 adjournments, the petitioner failed to lead evidence, resulting in closure of the evidence of the complainant on 17.05.2024 and posting for examination under Section 313 Cr.P.C. The petitioner challenged the docket order dated 17.05.2024 before the Court, which was dismissed on 12.09.2024, and further challenged before this Court in Crl.P.No.2000 of 2025, which is pending without any stay. In the absence of stay, the trial Court proceeded with 313 Cr.P.C. examination. The respondent submits that the petitioner has been filing repeated petitions only to delay the proceedings, and no grounds exist for transfer.

5. Heard both sides.

6. Learned counsel for the petitioner submitted that the trial Court has been repeatedly committing mistakes while recording docket orders, and in every docket order errors are found. He further submitted that the petitioner has lost faith in the trial Court and apprehends that the petitioner will not get a fair trial therein. Hence, he requested to transfer the case to another Court.

7. On the other hand, learned counsel for the respondents submitted that no illegality has been committed by the trial Court. The matter pertains to the year 2015, during which several officers have presided over the Court and that the petitioner has been attempting to delay the proceedings on one pretext or another without cooperating with the trial Court. Though she filed the complaint, she has not been diligent in adducing her evidence, and only when the matter was posted for her evidence did she appear, which itself reflects her conduct. Therefore, the petition is devoid of merit and liable to be dismissed.

8. Upon consideration of the submissions advanced by both learned counsel and on careful examination of the

record, this Court observes that the present Transfer Criminal Petition has been filed seeking transfer of C.C.No.899 of 2015 from the Court of the learned IV Additional Chief Metropolitan Magistrate, Nampally, to any other Court on the ground that the trial Court is repeatedly committing errors and making adverse comments against the complainant. It is noted that the case, being a private complaint filed in 2015, was taken cognizance of by the trial Court for certain offences. The matter was repeatedly posted for dismissal, and only after several adjournments did the petitioner adduce her evidence. Thereafter, no further evidence was filed in support of her case. At the stage of Section 311 Cr.P.C. examination, the petitioner filed a petition under Section 309 Cr.P.C. seeking adjournment, which was recorded as a memo. Such recording, however, cannot be treated as a ground for transfer of the case and that the petitioner cannot make such bald allegations against the officers of the trial Court. The record clearly shows that the petitioner has been dragging the matter since 2015. In these circumstances, this Court finds no valid grounds to transfer C.C.No.899 of 2015 to any other Court.

9. Accordingly, the Transfer Criminal Petition is dismissed.

Miscellaneous applications, if any pending, shall stand closed.

Sd/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The IV Additional Chief Judicial Magistrate, Nampally Hyderabad.
2. One CC to Sri Lattupally Anand, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the state of Telangana, at Hyderabad. [OUT]
4. Two CD Copies

SVS/DL

HIGH COURT

DATED:12/12/2025



ORDER

TRCRLP.No.125 of 2025

DISMISSING THE TRCRLP

(7) kpr 19/1/26