APHC010193882026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY,THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 48/2026

Between:

Mude Gopal Dinesh Naik and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. CHINTA NAGA SUMANTH

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR
2. NIRMALBABU A

The Court made the following:

Reserved on 08.05.2026
Pronounced on 15.06.2026
Uploaded on 15.06.2026

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.48 of 2026

ORDER:

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act seeking to withdraw C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to any other competent Court at Guntur City.

2. The case of the petitioners is as follows:

I. The petitioner No.1 is the husband of the respondent No.2 and their marriage was solemnized on 19.06.2021. In view of the matrimonial disputes between both the parties, the respondent No.2/wife is separately residing at her parents' house at Nandigama. The petitioner No.1 further pleaded that the respondent No.2 lodged a complaint before the Nandigama Police Station, NTR District, under Sections 498-A, 323, 508 r/w 34 IPC *vide* Cr.No.205 of 2022 and after completion of investigation, the Police filed Charge Sheet *vide* C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and the same is pending for adjudication. The petitioner No.1 further pleaded that the respondent No.2 filed a Maintenance Case *vide* M.C.No.40 of 2023 and a Domestic Violence Case *vide* D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, and the petitioner

No.1/husband is attending the case proceedings in the aforesaid cases before the Court at Nandigama.

II. The petitioner No.1 further pleaded that he is a Railway Employee working as a Helper in the Southern Railways at Chennai and he was born and brought up at Thiruvallur District, Tamilnadu and is presently residing along with his family members at Thiruvallur District. The petitioner No.1 further pleaded that his parents i.e. the petitioner Nos.2 and 3 herein are Senior Citizens and are aged about 58 and 73 years respectively and the distance in between Thirivallur and Nandigama is approximately 650 Kms. The petitioners further pleaded that they being the non-locals and unfamiliar with the local language and surroundings at Nandigama, are facing severe difficulty in securing proper legal assistance and they have engage three advocates at Nandigama and the said advocates have withdrawn their vakalaths after attending few adjournments and they pressurized the petitioners to settled the matrimonial dispute by paying monetary amounts to the respondent No.2. The petitioners further pleaded that the respondent No.2/wife is having considerable social and local influence at Nandigama and they are also being subjected to intimidation and pressure from local Police. The petitioners further pleaded that after change of local counsels at Nandigama, the learned trial Judge has been posting the aforesaid three cases on different dates. The petitioners further pleaded that even after oral requests and filing a memo seeking posting of all matters on a

single date, the learned trial Judge has not considered the said request of the petitioners.

III. Learned counsel for the petitioners contended that the petitioners are under a reasonable and bona fide apprehension that they may not receive a fair and impartial hearing before the trial Court owing to the prevailing local influence of the respondent No.2 and her family members, which has created an atmosphere not conductive for the petitioners to effectively participate in the proceedings and that the petitioners are constrained to file the present transfer criminal petition seeking to withdraw C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to any other competent Court at Guntur City.

3. Heard Sri Chinta Naga Sumanth, learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent No.1/State and Sri Nirmalbabu.A, learned counsel for the respondent No.2. Perused the material available on record.

4. The grounds urged by the petitioners for seeking transfer of the case in C.C.No.2421 of 2022 is that they being the non-locals and unfamiliar with the local language and surroundings at Nandigama, are facing severe difficulty in securing proper legal assistance and the petitioners are seeking to transfer the case in C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to any other competent Court at Guntur City. Another ground urged by the

petitioners for seeking transfer of a case is that they are being subjected to intimidation and pressure by the local Police authorities. In order to prove the same, no *prima facie* evidence is produced by the petitioners to show that they are facing very much difficulty in securing proper legal assistance at Nandigama at where the criminal case in C.C.No.2421 of 2022 is pending and no *prima facie* evidence is produced by the petitioners to show that they are being subjected to intimidation and pressure from the local Police authorities. *The apprehension of not getting a fair and impartial enquiry or trial is required to be reasonable and* not imaginary based upon on conjunctures and surmises. Vague and vexatious allegations without an element of truth cannot be considered as sufficient ground for transfer of a case. The transfer of a case can be made only when the same is reasonably required under the facts and circumstances of the case.

5. As per the own case of the petitioners, they are staying at Tamilnadu and they are not staying at Guntur, to which place they are seeking transfer of the case in C.C.No.2421 of 2022 from Nandigama. The charge sheet in C.C.No.2421 of 2022 is filed before the Judicial Magistrate of First Class, Nandigama, at where the alleged offence has taken place. All the witnesses cited in the charge sheet in C.C.No.2421 of 2022 are residing within the jurisdiction of the Additional Judicial Magistrate of First Class, Nandigama and in case, if the case in C.C.No.2421 of 2022 has been withdrawn and transferred to Guntur from Nandigama which is at a distance of approximately 100 Kms, all the witnesses, who are cited in the charge sheet in C.C.No.2421

of 2022 will suffer much inconvenience to appear before the Court at Guntur for giving their evidence before the said Court.

6. As noticed *supra,* the petitioners are not residing within the territorial jurisdiction of the Court at Guntur and they are residing in Tamilnadu. Even if the request of the petitioners is considered and the case in C.C.No.2421 of 2022 has been withdrawn from Nandigama and transferred to Guntur, the purpose of the transferring of case will not be served. As noticed *supra,* none of the parties are residing within the territorial jurisdiction of the Court at Guntur. *The purpose of criminal trial is to dispose a fair and impartial justice un-influenced by extraneous considerations. Every offence shall ordinarily be enquired into and tried by the Court within its local jurisdiction it was committed. The cause of action and alleged offences as per the First Information Report are alleged to have been arising within the jurisdiction of the Court*. It is well settled that "*no universal or hard and fast rules can be prescribed for deciding the transfer petition, which is always to be decided on the basis of the facts of each case.* It is also well settled that "*the convenience of the parties including the witnesses to be produced at the trial is also a relevant consideration for deciding the transfer petition. The convenience of the parties does not necessarily mean the convenience of the petitioner/accused alone, who approached the Court on misconceived notions of apprehension".*

7. As noticed *supra*, "*the convenience of the parties does not necessarily mean the convenience of the accused alone. The convenience for the*

purpose of transfer means the convenience of the prosecution, witnesses and larger interest of the society". In view of the aforesaid reasons, I do not find any merit and subsistence in the contentions taken by the petitioners and as such, the present Transfer Criminal Petition is liable to be dismissed as devoid of merit.

8. With the above observations, the Transfer Criminal Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim order granted earlier, if any, shall stand closed.

JUSTICE V.GOPALA KRISHNA RAO

Date: 15.06.2026

SRT