



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

[3397]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

TRANSFER CRIMINAL PETITION NO: 43/2026

Between:

1.KUMBA KRISHNA MURTHY, S/O. K.CHINNAIAH, AGED 44 YEARS,
RESIDING AT D.NO.42-372A,AMUTHA
NILAYAM.BHAGYANAGARCOLONY,NEAR NALLARATHI MIDDE,
OPP.ROAD TO INDIAN BANK,KADAPA, Y.S.R.ANDHRA PRADESH -
516002.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, ,REP. BY PUBLIC
PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AT
AMARAVATI.

2.SURATHANU KUMBA SRAVANTHI, W/O. KUMBA KRISHNA
MURTHY,D/O. S.SREENATHUDU, AGED 36 YEARS,RESIDING AT
DOOR NO.17, NAGANDHRA NAGAR,PRODDATUR TOWN AND
MANDAL,KADAPA DISTRICT - 516360.

...RESPONDENT(S):

pleased to transfer the proceedings in M.C. No. 25 of 2023 on the file of
the Hon'ble I Additional Judicial First Class Magistrate, Proddatur, Kadapa
District to the file of Hon'ble Principal District Court, Ongole, Prakasam
District or any other competent court for trial and pasS

IA NO: 1 OF 2026

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 M.C. No. 25 of 2023 on the file of the I Additional Judicial First Class Magistrate, Proddatur, Kadapa District, pending disposal of this petition and pass

Counsel for the Petitioner:

1. RAYALCHERUVU ABISHEK REDDY

Counsel for the Respondent(S):

1. MEDARA SIVA PRASAD

2. PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.43 of 2026

ORDER:

The petitioner filed the present petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023'), seeking to transfer the proceedings in M.C.No.25 of 2023 on the file of the learned I Additional Judicial First Class Magistrate, Proddatur, Kadapa District and transfer the same to the file of the learned Principal District Court at Ongole, Prakasam District, for trial and disposal.

2. Heard Sri Rayalcheruvu Abishek Reddy, learned counsel for the petitioner, Sri Medara Siva Prasad, learned counsel for respondent No.2, and the learned Assistant Public Prosecutor on behalf of respondent No.1.

3. Perused the record.

4. As could be seen from the record, the grounds urged by the petitioner for seeking transfer of M.C.No.25 of 2023, on the file of the learned I Additional Judicial First Class Magistrate, Proddatur, Kadapa District are that the petitioner herein was transferred to Eluru in West Godavari District from Kadapa in pursuance of the transfer orders issued by the Director of Factories. The petitioner would contend that the petitioner herein is working as Deputy Chief Inspector of Factories at Eluru and the respondent herein filed M.C.No.25 of 2023 which is now pending on the file of the learned I Additional Judicial First Class Magistrate, Proddatur, Kadapa District.

5. The petitioner would contend that it is very difficult for the petitioner to appear before the learned I Additional Judicial First Class Magistrate, Proddatur, on each date of adjournment, in view of the employment in Eluru, West Godavari District and that he is seeking for transfer of M.C.No.25 of 2023 on the file of the learned I Additional Judicial First Class Magistrate, Proddatur, Kadapa District to the file of the learned Principal District Court at Ongole, Prakasam District.

6. As seen from the affidavit filed by the petitioner, the petitioner reiterated that M.C.No.25 of 2023 is posted to 01.04.2026 for arguments. It is not the case of the petitioner that he is residing at Ongole. As seen from the material available on record, the petitioner herein has stated that the respondent No.2/wife has been residing at Proddatur town and the petitioner herein as per his own case, he is residing in Eluru, in view of his employment.

7. The respondent No.2/wife approached the learned I Additional Judicial First Class Magistrate, Proddatur, Kadapa District and filed M.C.No.25 of 2023 at about three years ago seeking maintenance on the pretext that she is unable to maintain herself and she is depending upon the mercy of her parents'. In case, if the aforesaid M.C.No.25 of 2023 on the file of the learned I Additional Judicial First Class Magistrate, Proddatur is transferred to the file of the learned Principal District Court at Ongole, the maintenance case proceedings will be further delayed.

8. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**¹ held as follows:

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.”

9. On considering the submissions made by the learned counsel for the respondent and in view of the ratio laid down in the aforesaid case laws that, in matrimonial proceedings, the convenience of the wife has to be taken into consideration rather than the inconvenience of the husband. Therefore, I do not find any grounds to consider the request of the petitioner to transfer the case, and the present Transfer Criminal Petition is devoid of merits.

10. Accordingly, this Transfer Criminal Petition is dismissed. Considering the employment of the petitioner at Eluru, he is at liberty to file an application before the trial Court to dispense with his presence. On such application, the trial Court shall dispose of the same on merits.

¹ 2022 LiveLaw (SC) 627

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: 21.04.2026

JLSR

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.43 of 2026

Date: 21.04.2026

JLSR