



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

[3397]

THURSDAY, THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANSFER CRIMINAL PETITION NO: 14/2026

Between:

Thoka Nagaiah Alias Nageswara Rao and Others **...PETITIONER(S)**

AND

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

Counsel for the Petitioner(S):

1. KHAJA KHUTUBUDDIN SHAIK

Counsel for the Respondent(S):

1. GINJUPALLI SUBBA RAO

2. PUBLIC PROSECUTOR

The Court made the following:

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.14 of 2026

ORDER:

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act seeking to set aside the order dated 25.09.2025, passed in Tr.CrI.M.P.No.34 of 2024, by the learned Sessions Judge, Krishna District at Machilipatnam, and consequently to withdraw C.C.No.2522 of 2022, on the file of the Judicial Magistrate of First Class, Nandigama and transfer the same to the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, to be tried along with Spl.S.C.No.15 of 2022.

2. The case of the petitioners as per their affidavit in brief is as follows:
 1. The petitioners are the de-facto complainants in a counter case *vide* C.C.No.2522 of 2022, arising out of a Crime in Cr.No.286 of 2022 of Nandigama Police Station, registered against the respondent Nos.1 and 2 for the offences punishable under Sections 354, 354-A, 354-D, 341, 506 read with 34 IPC and the same is pending for adjudication before the learned Judicial Magistrate of First Class, Nandigama. The petitioners pleaded that, on 27.07.2022, an altercation occurred at Veldurthipadu Village, wherein the respondent Nos.1 & 2 outraged the modesty of the daughters of the petitioner Nos.1 and 2. Alleging the same, the petitioners filed a case in Cr.No.286 of 2022, before Nandigama Police Station, for the offences punishable under Sections

354, 354-A, 354-D, 341, 506 read with 34 IPC and the same is numbered as C.C.No.2522 of 2022, on the file of the Judicial Magistrate of First Class, Nandigama, which is pending for adjudication.

- II. The petitioners further pleaded that a First Information Report was lodged against the petitioners by the respondent No.1 and the same was registered as Cr.No.166 of 2022 before the Penuganchiprolu Police Station. After completion of investigation, the Police filed Charge Sheet and the said crime was numbered as Spl.S.C.No.15 of 2022, on the file of the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, for the offences punishable under Section 323 IPC and Sections 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.
- III. The petitioners further pleaded that the case in C.C.No.2522 of 2022, on the file of the Judicial Magistrate of First Class, Nandigama, and the case in Spl.S.C.No.15 of 2022, on the file of the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, are interconnected and arising out of same incident and transaction dated 27.07.2022, which is involving same parties and are classic 'case and counter case'. The petitioners further pleaded that they have filed Tr.Crl.M.P.No.34 of 2024, before the learned Principal District & Sessions Judge, Krishna District at Machilipatnam, under Sections 448 & 449 of B.N.S.S., Act, seeking for transfer by District Court and by an order dated 15.07.2025, the said petition was

dismissed by the District Court. Aggrieved against the said dismissal order dated 15.07.2025, the petitioners filed the present transfer criminal petition seeking to set aside the order dated 25.09.2025, passed in Tr.Crl.M.P.No.34 of 2024, by the learned Sessions Judge, Krishna District at Machilipatnam, and consequently to withdraw C.C.No.2522 of 2022, on the file of the Judicial Magistrate of First Class, Nandigama and transfer the same to the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, to be tried along with Spl.S.C.No.15 of 2022.

3. The respondent Nos.2 & 3 filed counter affidavit by denying the material allegations leveled in the affidavit filed by the petitioners. Learned counsel for the respondent Nos.2 and 3 contended that there are no grounds to consider the request of the petitioners in the transfer petition filed by the petitioners and requested to dismiss the transfer criminal petition.

4. Heard Sri Khaja Khutubuddin Shaik, learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent No.1/State and Sri Ginjupalli Subba Rao, learned counsel for the respondent Nos.2 & 3 and perused the record.

5. The present transfer criminal petition is filed seeking to withdraw C.C.No.2522 of 2022, on the file of the Judicial Magistrate of First Class, Nandigama and transfer the same to the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, to try

along with Spl.S.C.No.15 of 2022. As could be seen from material available on record, C.C.No.2522 of 2022 is pending before the learned Judicial Magistrate of First Class, Nandigama, and the said case the posted for trial and the trial has not yet been commenced. The contention of the petitioners is that an alleged offence in C.C.No.2522 of 2022 and Spl.S.C.No.15 of 2022 has been aroused out of same incident and that the case in C.C.No.2522 of 2022 has to be transferred to the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam.

6. The material available on record shows that C.C.No.2522 of 2022 is pending before the learned Judicial Magistrate of First Class, Nandigama, which is a jurisdictional Court. *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 the alleged offences as per the First Information Report are alleged to have been arising out 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. 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. The charge sheet in C.C.No.2522 of 2022 goes to show that the independent witnesses in C.C.No.2522 of 2022 are residing within the jurisdiction of the Judicial Magistrate of First Class Court, Nandigama. In case, if the case in C.C.No.2522 of 2022 has been transferred to Machilipatnam, which is situated at a distance of more than 100 Kms, the independent witnesses will suffer much inconvenience to appear before the X Additional District & Sessions Judge-Cum-Special Court for SC/ST (PoA) Act Cases, Machilipatnam, to give evidence before the said Court. Moreover, the nature of the offences in both the cases are different. 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*”.

8. 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.

9. 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: 02.04.2026

SRT