



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

[3397]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

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

TRANSFER CRIMINAL PETITION NO: 49/2026

Between:

1. MADDULA KOTESWARAMMA, W/O. LATE
BHIKSHALU, AGED ABOUT 87 YEARS, R/O NIDUMOLU,
MOVVA MANDAL, KRISHNA DISTRICT - 521135.
2. MADDULA PAMU KONDAIAH, S/O. LATE
BHIKSHALU, AGED ABOUT 53 YEARS, R/O.
MACHILIPATNANN, KRISHNA DISTRICT - 521001
3. MADDULA NAGA RAJU, S/O. LATE BHIKSHALU, AGED
ABOUT 43 YEARS, R/O. MACHILIPATNAM, KRISHNA
DISTRICT - 521001

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY
PUBLIC PROSECUTOR. HIGH COURT OF ANDHRA
PRADESH, AT AMARAVATHI - 522239.
2. MAREEDU VENKATESWARA RAO, S/O.
ABHIMANYUDU, AGED ABOUT 47 YEARS, R/O
NIDUMOLU VILLAGE, MOVVA MANDAL, KRISHNA

DISTRICT 521135.

3.MAREEDU RADHA, S/O. MAREEDU VENKATESWARA
RAO,AGED ABOUT 47 YEARS, R/O NIDUMOLU
VILLAGE,MOVVA MANDAL, KRISHNA DISTRICT 521135.

...RESPONDENT(S):

pleased to withdraw the C.C. No. 329 of 2020 from the file of the Judicial 1st Class Magistrate, Movva and transfer the same to the court of Hon'ble X Addl. District cum Special Sessions Judge, at Machilipatnam and hear along with Spl. S.C. 37 of 2020 for trial and disposal of the same in accordance with law and to 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 C.C. No. 329 of 2020 from the file of the Judicial 1st Class Magistrate, Movva; pending disposal of the main Transfer Civil Miscellaneous Petition and to pass

Counsel for the Petitioner(S):

1.K V ADITYA CHOWDARY

Counsel for the Respondent(S):

1.PUBLIC PROSECUTOR

The Court made the following:

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

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ORDER:

The petitioners/accused Nos.1 to 3 filed the present petition under Section 447 of the Bharatiya Nagrik Suraksha Sanhita, 2023 seeking to transfer C.C.No.329 of 2020, on the file of the learned Additional Judicial Magistrate of I Class, Movva, to the file of the learned X Additional District-cum-Special Sessions Judge for SC & ST cases to try along with Special S.C.No.37 of 2020, which is pending on the file of the Special Court for SC & ST offences.

2. The case of the petitioners, in brief, is as follows:

The petitioners herein are accused Nos.1 to 3 in C.C.No.329 of 2020 on the file of the learned Additional Judicial Magistrate of I Class, Movva. The petitioners pleaded that, on the complaint lodged by respondent Nos.2 & 3, the Police registered a case and filed a charge sheet *vide* C.C.No.329 of 2020, before the learned Additional Judicial Magistrate of I Class, Movva, and the same is pending for adjudication. The petitioners further pleaded that on the strength of the report given by the 3rd petitioner, the S.H.O, Kuchipudi Police Station, have registered

another case *vide* C.C.No.74 of 2020 under Sections 448, 452, 427, 506 read with 34 IPC and Sections 3(1)(g), 3(1)(s), 3(1)(t) and 3(2)(va) of SC, STs (Prevention of Atrocities) Amendment Act, 2015, and the said case is pending against the respondent Nos.2 & 3 before the learned X Additional District-cum-Special Sessions Judge for SC & ST cases, *vide* special S.C.No.37 of 2020.

3. Heard K.V.Aditya Chowdary, learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent No.1/State.

4. The contention of the petitioners herein is that both the cases are the case and counter. Therefore, the case in C.C.No.329 of 2020 has to be withdrawn from the learned Additional Judicial Magistrate of I Class, Movva, and to be transferred to the learned X Additional District-cum-Special Sessions Judge for SC & ST cases, to try along with the said special S.C.No.37 of 2020.

5. As could be seen from the material on record, the nature of the alleged offence in both the cases are distant, and C.C.No.329

of 2020 is pending before the learned Additional Judicial Magistrate of I Class, Movva, which is the jurisdictional Court.

6. The law is well settled that every offence shall ordinarily be enquired into and tried by a Court within whose local jurisdiction it was committed. If the plea of the petitioners is accepted and the case in C.C.No.329 of 2020 on the file of the learned Additional Judicial Magistrate of I Class, Movva, is transferred to the Court at Machilipatnam, the provisions contained in the Code of Criminal Procedure for earmarking the courts having jurisdiction to try the cases would be rendered meaningless. The cause of action and the alleged offence, as per the 'First Information Report' are alleged to have arisen within the Jurisdiction of the Court at Movva. After registration of the FIR, the SHO, Kuchipudi Police Station filed a charge sheet and the same was taken on the file of the learned Additional Judicial Magistrate of I Class, Movva, and numbered as C.C.No.329 of 2020, which is pending since six years before the learned Additional Judicial Magistrate of I Class, Movva.

7. As noticed *supra*, the nature of the alleged offence in both cases are distant. All the witnesses cited in the charge sheet are

residing within the jurisdiction of Court at Movva. Therefore, there is no need to transfer the C.C.No.329 of 2020 to the learned X Additional District-cum-Special Sessions Judge for SC & ST cases. Furthermore, C.C.No.329 of 2020 is pending before the competent Jurisdictional Court i.e., learned Additional Judicial Magistrate of I Class, Movva. Therefore, I do not found any grounds to withdraw the C.C.No.329 of 2020 from the learned Additional Judicial Magistrate of I Class, Movva, and transfer the same to learned X Additional District-cum-Special Sessions Judge for SC & ST cases. There are no merits in the transfer petition. Resultantly, the transfer criminal petition is dismissed at the stage of admission. No 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: 20.04.2026
LSP

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THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.49 of 2026

Date: 20.04.2026
LSP