

**THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO**

**TRANSFER CRIMINAL PETITION Nos.16, 18, 19, 20, 26, 29 & 30 of 2026**

**COMMON ORDER:**

**Tr.Crl.P.No.16 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.526 of 2021, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.18 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.534 of 2021, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.19 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.531 of 2021, and

transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.20 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.522 of 2021, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.26 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.362 of 2022, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.29 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings

pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.525 of 2021, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

**Tr.Crl.P.No.30 of 2026**

The petitioners herein have filed the present petition under Section 447 of B.N.S.S., Act, 2023, seeking for withdrawal of Calendar Case proceedings pending on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class, Narsapuram, *vide* C.C.No.533 of 2021, and transfer the same to the file of any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District, for trial and disposal of the same.

2. Heard Ms. R. Durga Lathasri, learned counsel for the petitioners and learned Assistant Public Prosecutor, appearing on behalf of respondent No.1/State.

3. Perused the material available on record.

4. The petitioners herein who are the accused in C.C.No.526 of 2021, C.C.No.534 of 2021, C.C.No.531 of 2021, C.C.No.522 of 2021, C.C.No.362 of 2022, C.C.No.525 of 2021 & C.C.No.533 of 2021, on the file of the I Additional Junior Civil Judge-cum-I Additional Judicial Magistrate of First Class,

Narsapuram, filed the present petitions, seeking transfer of the case to any other Court or Judicial Magistrate of First Class, Vijayawada, Krishna District.

5. The affidavit of the petition filed by the petitioners clearly goes to show that the petitioners herein are wife and husband, who are the accused Nos.1 & 2, in all the cases, and there are other accused in all the cases.

6. The first ground urged by the petitioners' in the affidavit of petitioner No.1 *prima facie* shows that the listed witnesses in the Calendar Case *i.e.*, C.C.No.526 of 2021, are interested witnesses, allegedly loyal to the families of certain local Advocates and their relatives at Narsapuram. Another ground urged by the petitioners seeking transfer of the said cases is that they are presently residing at Hyderabad and petitioner No.1, by name Kanchana Divya, is suffering from 'Kidney Ailments' and that they requested for transfer of the said cases.

7. As stated *supra*, the first ground urged by the petitioners for seeking transfer of the all the cases is that, all the witnesses in all the cases are interested witnesses being loyal to the local Advocates at Narsapuram and their families and they are very highly influential people at Narsapuram. In order to prove the same, the petitioners have not filed any *prima facie* material proof.

8. It is submitted by the learned counsel for the petitioners that on 15.10.2025, the petitioner No.1 was discharged from the hospital and one of the Kidneys was removed. Except filing the copy of discharge summary, there is no other material to show that there is no possibility to travel from Hyderabad to Narsapuram. The petitioners herein are seeking transfer of all the cases from Narsapuram to Vijayawada. It is not at all the cases of the petitioner No.1, that she is currently residing at Vijayawada and that she is unable to travel from Vijayawada to Narsapuram. As per the averments in the affidavit of the petitioner No.1, she is residing at Hyderabad but not at Vijayawada.

9. 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. The cause of action and alleged offence as per the 'First Information Report' are alleged to have arisen within the jurisdiction of Judicial Magistrate of First Class Court at Narsapuram. It is also well settled that ***"the apprehension of not getting a fair and impartial enquiry or trial is required to be reasonable and not imaginary, based upon conjunctures and surmises."***

10. It is well settled that while considering the transfer of a Criminal Case, the transfer of the case has to be accepted in exceptional cases, considering the fact that the transfers may unnecessarily aspirations on the State Judiciary

and the Prosecution Agency. The Apex Court in a case of **Nahar Singh Yadav & Anr Vs Union of India & ors**<sup>1</sup> held as follows:

*“24. Thus, although no rigid and inflexible rule or test could be laid down to decide whether or not power under Section 406 of the Cr.P.C. should be exercised, it is manifest from a bare reading of sub-sections (2) and (3) of the said Section and on an analysis of the decisions of this Court that an order of transfer of trial is not to be passed as a matter of routine or merely because an interested party has expressed some apprehension about the proper conduct of a trial. This power has to be exercised cautiously and in exceptional situations, where it becomes necessary to do so to provide credibility to the trial. Some of the broad factors which could be kept in mind while considering an application for transfer of the trial are:*

*(i) when it appears that the State machinery or prosecution is acting hand in glove with the accused, and there is likelihood of miscarriage of justice due to the lackadaisical attitude of the prosecution;*

*(ii) when there is material to show that the accused may influence the prosecution witnesses or cause physical harm to the complainant;*

*(iii) comparative inconvenience and hardships likely to be caused to the accused, the complainant/the*

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<sup>1</sup> 2011 (1) SCC 307

*prosecution and the witnesses, besides the burden to be borne by the State Exchequer in making payment of travelling and other expenses of the official and non-official witnesses;*

*(iv) a communally surcharged atmosphere, indicating some proof of inability of holding fair and impartial trial because of the accusations made and the nature of the crime committed by the accused; and*

*(v) existence of some material from which it can be inferred that the some persons are so hostile that they are interfering or are likely to interfere either directly or indirectly with the course of justice.”*

11. Learned Assistant Public Prosecutor appearing on behalf of respondent No.1/State, contended that all the witnesses including victims are residing within the jurisdiction of Court at Narsapuram. He further contended that fourteen (14) criminal cases are pending against the petitioners, and if all the matters are transferred to Vijayawada, the victims and witnesses in those cases would face hardship in attending the Court at Vijayawada.

12. It is settled that no universal or hard and fast rules can be prescribed for deciding a transfer petition which has always to be decided on the basis of the facts of the each case. 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 petitioners/accused alone who approached the Court on misconceived notions of apprehensions. Convenience for the purposes of transfer means the convenience of the prosecution, other accused, the witnesses and the larger interest of the society.

13. All the cases were instituted in the year 2021, and more than five (05) years have elapsed, all the cases are posted for trial. For the aforesaid reasons, there are no valid grounds to allow the present petitions and as such, the present Transfer Criminal Petitions are liable to be dismissed as they are devoid of merits.

14. With the above observations, all the Transfer Criminal Petitions are **dismissed** at the stage of admission.

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

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**JUSTICE V. GOPALA KRISHNA RAO**

Date: 18.02.2026

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