



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

[3396]

WEDNESDAY, THE TWENTY NINETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL REVISION CASE NO: 194/2026

Between:

MEKALA SINDHU PRIYA, S/O LATE RAGHU RAMAIAHAGE ABOUT 28
YEARS, R/O SIVALAYAM STREET, GUDIPALLIPADU VILLAGE,
NELLORE RURAL MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER

AND

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

2. G HAZARATH, S/O G.KAJA RAHAMATHULLAR/O PLOT NO.92,
D.NO.2-5-262, ARYABATTA NAGAR, DEGALAPALEM, SULLURPET,
SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1. SREE DEEPTHI G

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 against the Order dated 04.11.2025 passed in Transfer CrI.M.P.No.1230 of 2025 on the file of the Court of Principal District & Sessions Judge, Nellore, wherein, the request of the Petitioner / Accused, who is facing allegations under Section 138 of N.I.Act in C.C.No.111 of 2024 on the file of the Court of Additional Judicial

Magistrate of First Class, Sullurpet to any competent Court in Nellore, was dismissed.

2. Heard Ms.G.Sree Deepthi, learned counsel for the Petitioner. In spite of service of notice on the counsel of Respondent No.2 before the trial Court, none appeared on his behalf. Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor is in attendance.

3. Learned counsel for the Petitioner would submit that the Petitioner is the resident of Nellore which is 100 kms away from Sullurpet, where the C.C.No.111 of 2024 lodged against the Petitioner for the offence under Section 138 of N.I.Act is pending. It is further submitted that the Petitioner being a woman has been facing great hardship to travel such a distance. Learned counsel would further submit that, multiple cases have been initiated by the husband of the Petitioner against her and her family members in the Courts at Nellore. It is submitted that the husband of the Petitioner got filed the present complaint through Respondent No.2 herein, who is his close associate, only to trouble and harass her. It is further that there are constant threats and apprehension of harm from Respondent No.2 if she continues to attend the proceedings at Sullurpet. Learned counsel would finally submit that, consolidation of proceedings within one district would better serve the ends of justice.

4. Admittedly, C.C.No.111 of 2024 has been filed by Respondent No.2 against the Petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and is pending on the file of the Court of the

Additional Judicial Magistrate of First Class, Sullurpet. It is also not in dispute that the Petitioner had earlier approached the learned Principal District and Sessions Judge, Nellore by filing Transfer CrI.M.P.No.1230 of 2025 seeking transfer of the said case by invoking the jurisdiction under Section 408 Cr.P.C. The learned Sessions Judge dismissed the petition on the ground of lack of jurisdiction under Section 142(2) of N.I.Act.

5. The order passed by the learned Sessions Judge discloses that the transfer petition was not rejected on merits but only on the ground of want of jurisdiction. Though the learned Sessions Judge ultimately came to the conclusion that he lacked territorial jurisdiction under Section 142(2) of N.I.Act to transfer the case pending before the Court at Sullurpet, the petition could not have been dismissed in a mechanical manner without adverting to the substantial grounds urged by the Petitioner. The transfer petition disclosed that the Petitioner is a woman residing at Nellore, that she was required to travel a considerable distance on every date of hearing, and that several proceedings between her and her husband were already pending before Courts at Nellore. The order under challenge reveals that the learned Sessions Judge confined himself solely to the question of territorial jurisdiction under Section 142(2) of N.I.Act and failed to appreciate the larger object underlying transfer provisions under the Code and thereby failed to exercise the jurisdiction under Section 408 of Cr.P.C. The purpose of transfer jurisdiction is not merely procedural. It is intended to ensure that litigants are not subjected to unnecessary hardship and that the ends of justice are

effectively secured. In such circumstances, this Court is of the view that the dismissal of the petition in limine has resulted in a failure to address the genuine difficulties stated by the Petitioner. Therefore, the dismissal of the said petition does not preclude this Court from examining the request for transfer in exercise of its powers under Section 407 of the Code of Criminal Procedure (Section 447 of BNSS).

6. It is well settled that while considering a transfer petition, the paramount consideration is whether such transfer is necessary for the ends of justice. Convenience of parties, particularly that of a woman litigant, the possibility of avoiding multiplicity of proceedings, and the overall balance of convenience are relevant factors to be taken into account.

7. In ***Abdul Nazar Madani v. State of Tamil Nadu***¹, the Hon'ble Supreme Court, while considering the ambit of Sections 406 and 407 Cr.P.C., had categorically held as follows:

"The purpose of the criminal trial is to dispense fair and impartial justice uninfluenced by extraneous considerations..... 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 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."

8. In the present case, the Petitioner is a resident of Nellore and has to travel a distance of approximately 100 kilometres on each occasion of hearing to attend the proceedings at Sullurpet. It is also brought to the notice of this Court that several disputes between the Petitioner and her husband are

¹ (2000) 6 SCC 204

already pending before competent Courts at Nellore and in that view the husband of the Petitioner got filed the present complaint through Respondent No.2 who is his close associate and there is threat and apprehension of harm in the hands of Respondent No.2 to the Petitioner.

9. The order passed by the learned Principal District and Sessions Judge, Nellore, suffers from a clear non-application of mind and a clear failure to exercise jurisdiction vested under Section 408 Cr.P.C (Section 448 of BNSS). The learned Judge, instead of undertaking an objective evaluation of the grounds urged for transfer, disposed of the petition in a mechanical manner solely on the erroneous premise of lack of territorial jurisdiction under Section 142(2) of N.I.Act, thereby completely overlooking the statutory duty to consider whether transfer was warranted in the interest of justice. In doing so, the learned Judge failed to appreciate the settled legal position that transfer proceedings are not constrained by such a narrow approach, but are intended to secure fairness, convenience of parties, and the effective administration of justice. The impugned order is evidently silent on the petitioner's specific plea of undue hardship, pendency of proceedings at Nellore, and the apprehension of harm to the Petitioner, which are the material considerations to exercise the jurisdiction under Section 408 Cr.P.C (Section 448 of BNSS).

10. Having regard to the facts and circumstances of the case, this Court is of the opinion that no prejudice would be caused to Respondent No.2 if the case is transferred to a competent Court at Nellore, whereas the Petitioner

would be put to considerable hardship if she is required to continue attending the proceedings at Sullurpet.

11. In view of the foregoing discussion and the law laid down by the Hon'ble Supreme Court, in order to secure the ends of justice, this Court deems it appropriate to transfer the C.C.No.111 of 2024 from the Court of the Additional Judicial Magistrate of First Class, Sullurpet to a competent Court at Nellore.

12. Accordingly, the Criminal Revision Case is allowed. The Order dated 04.11.2025 passed in Transfer CrI.M.P.No.1230 of 2025 on the file of the Court of the Principal District & Sessions Judge, Nellore is hereby set aside. Consequently, C.C.No.111 of 2024 pending on the file of the Court of the Additional Judicial Magistrate of First Class, Sullurpet, is transferred to the Court of II Additional Judicial Magistrate of First Class, Nellore.

Pending miscellaneous applications, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:29.04.2026

Note: L.R.Copy to be marked

B/o.

Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Cri.R.C.No.194 of 2026

Dt.29.04.2026

Dinesh

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CRIMINAL REVISION CASE No.194 of 2026

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...RESPONDENT(S):

DATE OF JUDGMENT PRONOUNCED: **29.04.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters / Journals? Yes/No
3. Whether Her Lordship wish to see the fair copy of the Judgment? Yes/No

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

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! Counsel for Petitioner : Ms.G.Sree Deepthi

^ Counsel for Respondents : Ms.K.Priyanka Lakshmi,
Assistant Public Prosecutor

< Gist:

> Head Note:

? Cases referred:

(2000) 6 SCC 204

This Court made the following: