HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

TRANSFER CRIMINAL PETITION No.12 OF 2026

Between:

Bade Tejasri, W/o.Suresh, Aged 35 Years,
Occ: Housewife, R/o. D.No.LIG-204,
APHB Colony, Satrampadu, Eluru,
Eluru District. …. Petitioner

Versus

1. The State of Andhra Pradesh,
   Rep. by its Public Prosecutor,
   High Court of Andhra Pradesh, Amaravati.
2. Gudavalli Vidya Sagar, S/o. Anand Kumar,
   Age 46 Years, Occ: Cultivation,
   R/o. D.No. 28-1-53/1 Kumar Street,
   8th Road, Santhi Nagar, Eluru,
   Eluru District – 534007. …. Respondents.

DATE OF ORDER PRONOUNCED : 05.10.2026

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

1. Whether Reporters of Local Newspapers may be allowed to see the order? Yes/No

2. Whether the copy of order may be marked to Law Reporters/Journals? Yes/No

2. Whether His Lordship wishes to see The fair copy of the order? Yes/No

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PURUSHOTTAM KUMAR CHINTALAPUDI, J

*** HON'BLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI**

+ Tr.Crl.P. No.12 OF 2026

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   Eluru District – 534007. …. Respondents.

! Counsel for the Petitioner : Petluri Naga Raju

^ Counsel for the Respondent No.1 : Public Prosecutor

^ Counsel for the Respondent No.2 : B.P. Raju

> Head Note:

? Cases referred:

1. AIR 2000 SUPREME COURT 2778

This Court made the following:

Neutral Citation: _____

APHC010059912026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI **[3606]**

MONDAY, THE 05TH DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

TRANSFER CRIMINAL PETITION No.12 OF 2026

Between:

1. Bade Tejasri, W/o Suresh, Aged 35 Years, Occ: Housewife, R/o. D.No.LIG-204, APHB Colony, Satrampadu, Eluru, Eluru District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.
2. Gudavalli Vidya Sagar, S/o Anand Kumar, Age 46 Years, Occ: Cultivation, R/o. D.No. 28-1-53/1 Kumar Street, 8th Road, Santhi Nagar, Eluru, Eluru District – 534007.

...Respondents

May be pleased to withdraw the case in C.C No.652 of 2025 on the file of Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of First Class, Eluru to any other Magistrate Court at Eluru, West Godavari District, for trial and disposal in accordance with law.

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 order stay of all further proceedings including appearance of the petitioner in C.C No. 652 of 2025 on the file of Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of First Class, Eluru, pending disposal of the Transfer Criminal Petition.

Counsel for the Petitioner : PETLURI NAGA RAJU

Counsel for the Respondent No1. : PUBLIC PROSECUTOR

Counsel for the Respondent No.2 : B P RAJU

The Court made the following

ORDER:

Mrs. Bade Tejasri filed this Petition, under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (In short, referred as 'the BNSS'), seeking the relief to withdraw C.C. No.652 of 2025 from the file of Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of First Class, Eluru (for short, 'the trial Court') to any other Magistrate Court at Eluru, West Godavari District.

2. The 1st respondent is the State and the 2nd respondent is Gudavalli Vidya Sagar, the complainant in C.C. No.652 of 2025. Petitioner is the accused before the trial Court.

3. Heard Sri Petluri Nagaraju, learned counsel for the petitioner, Sri Neelothpal Ganuji, learned Assistant Public Prosecutor, representing the 1st respondent-State, who is a formal party, and Sri B.P. Raju, learned counsel for the 2nd respondent.

Factual matrix:

4. Respondent No.2 lodged a private complaint against the petitioner alleging that she had committed the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act') alleging some financial transaction between them and in discharge of the debt, the petitioner issued a cheque, which was dishonoured, which led to issuance of notice by the respondent No.2 and consequently due non-payment of the amount, a complaint was lodged before the trial Court, which took cognizance as C.C. No.652 of 2025.

5. Before the trial court, the process was begun. As per submissions of both learned counsel, the stage of proceedings is that the respondent No.2 completed his evidence, petitioner has let in evidence, examined her witnesses for defence as DWs.1 to 3 and DW.4 chief-affidavit was filed. At this stage, it appears that the petitioner has moved a Petition *viz.,* Transfer Criminal Miscellaneous Petition No.13 of 2025 before the Principal District and Sessions Judge, West Godavari at Eluru (for short, 'the District Judge') seeking to withdraw C.C. No.652 of 2025 from the trial Court and transfer to any other Magistrate Court at Eluru, West Godavari District. The learned Principal District Judge, *vide* orders, dated 05.01.2026, relying on the ruling of the Hon'ble Apex Court in ***Bala Krishna Pillai v. State of Kerala***[1], declined to consider the reasons assigned that the learned trial Judge has been insisting the petitioner to compromise with the respondent No.2 and as there is no substantial basis for such apprehension, and refused to grant the relief and dismissed the Transfer Criminal Miscellaneous Petition.

6. Thereafter, the petitioner has moved this Petition before this Court seeking the similar relief as prayed in Tr.Crl.M.P. No.13 of 2025 before the District Court, West Godavari at Eluru.

Case of petitioner:

7. The petitioner asserts that C.C. No.652 of 2025 was filed before the trial Court with false allegations. The dismissal of her Petition by the learned District Judge to withdraw C.C. No.652 of 2025 from the trial Court and transfer to any other Court at Eluru is

[1] AIR 2000 SUPREME COURT 2778

not valid. It has ben her consistent endeavour to impress that the learned trial Judge has been pressurizing her to enter into compromise with respondent No.2 and not treating her fairly. The learned Principal District Judge did not call for report or made any enquiry, came to the conclusion and dismissed her Petition. Respondent No.2 has been carrying on different money lending businesses without license and is not maintaining books of accounts, which goes to the root of the financial transaction. If the matter before the trial Court is continued, she may not get an opportunity to provide evidence with free mind without any fear as such she sought the relief.

Case of respondent No.2:

8. The 2nd respondent/complainant has filed the counter opposing the Petition with assertion that the allegations leveled in the present Petition are not true and valid. He asserted that the complainant has completed his evidence, DW.4 is examined in chief and his cross is deferred and the matter is posted to 28.09.2026. The trial is at the fag end in C.C. No.52 of 2025. If the matter is transferred to any other Court, at this stage, the 2nd respondent *i.e.,* the complainant will suffer irreparable loss and hardship. The present Petition is filed only to drag on the process by causing much delay. Hence, he sought to dismiss the Petition.

Arguments of petitioner:

9. Learned counsel for the petitioner argued that the petitioner is not seeking to transfer C.C. No.652 of 2025 to any other place but within the Court complex of Eluru. The petitioner's apprehension is

that the learned trial Judge has been pressurizing her to compromise with 2nd respondent. Therefore, she has apprehension that the trial may not end in proper perspective. Learned counsel submitted that the matter has been posted on 06.10.2026 and sought to consider the present Petition, though the learned Principal District Judge dismissed her Petition.

Arguments of respondent No.2:

10. Refuting the said arguments, learned counsel for the 2nd respondent argued that there is no material to consider the present Petition. The trial is about to complete. At this stage, transferring the case would cause irreparable loss and injury to the complainant. Further, the allegations leveled that the learned trial Judge is pressurizing the petitioner to compromise is not correct. The learned Principal District Judge has dismissed the Petition by considering those facts. Hence, sought to dismiss the present Petition.

11. I have heard both the learned counsel and gone through the record.

Discussion:

12. The undisputed facts are that the 2nd respondent lodged a complaint against the petitioner under Section 138 of the NI Act, which is taken cognizance and registered as C.C. No.652 of 2025 by the trial Court. The petitioner has moved a Petition before the learned Principal District Court at Eluru for the same relief in Tr.Crl.M.P. No.13 of 2025. As per the orders of the learned Principal District Judge, the petitioner appears to have taken the stand that

> "…the learned trial Court Judge has not been treating the petitioner in a smooth way and giving pressure on the petitioner to compromise with the respondent No.1 and thereby causing much inconvenience to the petitioner….".

13. The above alleged reason prompted the petitioner to file Tr.Crl.M.P. No.13 of 2025 before the learned Principal District Judge.

14. The learned Principal District Judge answered the said reason false at Para No.8, which reads as follows:

> **"8.** The record shows that the petitioner has been trying to stall the proceedings having allowed the Court to complete the trial and to conduct Section 313 Cr.P.C., examination……"

15. The learned Principal District Judge, relying on the decision of the Hon'ble Apex Court in ***Bala Krishna Pillai*** (*supra*), observed that the Court has to find out whether the aprehension apears to be reasonable, to judge the reasonableness of the apprehension, the state of the mind of the person who entertains the aprehension is no doubt relevant but that is not all. The apprehension must appear to the Court to be a reasonable, genuine and justifiable and if these types of applications are entertained, the entire judicial atmosphere would would be polluted with such frivoluous petitions for various reasons. Quoting the above and then observed that there is no basis for the petitioner for such an apprehension, since the petitioner has not sought for transfer of the case at the earliest point

of time and aprehension do not appear to the Court reasonable, genuine and justifiable and dismissed the Petition.

16. On dismissal of Tr.Crl.M.P. No.13 of 2025 before the Principal District Court, under Section 408 Cr.P.C./448 BNSS, this Court in the Transfer Criminal Petition do not sit as an apellate Court. The provision contemplates that under Section 448 BNSS, the Principal Sesions Judge is the first Court for seeking withdrawal and transfer of the case of same Sessions Division. Once it is rejected, then, the aggrieved party can approach the High Court as not an apellate Court but for the relief for transfer from within the Sessions Division.

17. Section 447 of BNSS provides power of High Court to transfer cases and appeals provided it appears to the High Court that a fair and impartial enquiry or trial cannot be had in any criminal Court, subordinate thereto (Section 447(1)(a)), that the High Court may act either on the report of the lower Court or on the aplication of the party interested, or on its own initiative (Section 447(1)(c)(ii)). These two provisions are applicable to the present facts of the case.

18. This Court finds that the petitioner was agitated about her apprehension before the Principal District Court for the relief to withdraw such case. In the present Petition, the specific reason assigned is at Para No.6 of her afidavit which is reproduced hereunder:

> "6. I further humbly submit that the learned Sessions Judge failed to appreciate my reasonable, genuine and justifiable apprehension of bias agaisnt the Presiding Officer

> of the trial Court. Despite my specific averment that the learned Magistrate has been pressuring me to enter into a compromise within the 1st respondent and not treating me fairly, the Sessions Court dismissed it as "not reasonable" without any inquiry or calling for a report from the trial Court."

19. On perusal, the grievance of the petitioner appears to be that the learned Principal District Judge did not consider her apprehension of alleged pressurizing her to compromise with 2nd respondent was done without any enquiry or calling for a report from the trial Court. The said contention of the petitioner, in my view, is not tenable. It is for the learned Principal District Judge, who is the head of the Sessions Division, competent to assess the factual aspects and is at liberty to take appropriate decision. It is not for the petitioner to agitate that the learned Principal District Judge should have called for a report or enquired into the matter. By the time the said Application was dismissed by the learned Principal District Court, the proceedings appears to have been that the petitioner is to be examined under Section 313 Cr.P.C. The said Application was dismissed on 05.01.2026. The proceedings from the said stage appears to be the petitioner has commenced her evidence, as defence three witnesses were examined, 4th witness as DW.4 has already been examined in chief. No such allegation is found in the present Petition that from the date of dismissal of the said Application by the learned Principal District Judge, there are changed circumstances, other than the previous allegations of pressurizing compromise. That was previously answered.

20. In this Petition, the reason assigned is not on the ground that alleged pressure of compromise is imposed by the learned trial Judge continuously. But her prayer is based on the assertion that she would be subjected to mental agony, financial burden, and threats to personal safety if the matter proceeds at Eluru to prove her innocence in the aforesaid case by proceeding evidence before the trial Court with free mind without any fear.

21. This Court is unable to appreciate the said assertion of the petitioner. The petitioner already examined three witnesses on her behalf, 4th witness is already examined in chief. This would show that there was no denial of the process of giving opportunity to the petitioner to lead her evidence at her choice. The learned trial Judge has allowed the petitioner to lead as many witnesses as she could. Therefore, the allegation that there would be difficulty to prove her innocence is not tenable. There is no allegation that the learned trial Judge has caused any hindrance to lead evidence of the petitioner at her choice. More particularly, this Court finds that no allegation is made that the learned trial Judge is pressurizing her for compromise. That allegation was answered by the learned Principal District Judge. Except asserting that the order of the learned Principal District Judge, which is not acceptable as there is no further allegations of such nature. In the present Petition, given the above facts of proceedings and assertions in the affidavit, I find the petitioner did not specify the ground that the learned trial Judge has been insisting for compromise. But the allegation is that she may not get an opportunity to prove her innocence is contrary to the proceedings before the said Court. This is contra to the

proceedings. The petitioner has adduced evidence up to three witnesses and fourth witness is ready to be cross-examined. This would show that ample opportunity has been given to the petitioner to lead her evidence.

22. With the above reasons, this Court finds that the aprehension of the petitioner that there may not be opportunity to prove her innocence is not correct. The allegations levelled are contrary to the allegations in the afidavit. There is no assertion that the learned trial Judge has been insisting to compromise, apart from that the petitioner cannot agitate that the learned Principal District Judge should have called for a report or conducted enquiry. Given the factual aspect, this Court finds that there is no hindrance caused to the petitioner in the process of trial as ample opportunity is given to her. That demand is not sustainable. The ruling relied on by the Principal District Court in ***Bala Krishna Pillai*** (supra) is applicable. This Court finds that no reasonable, genuine and justifiable cause is shown in the present Petition. Therefore, this Court is not inclined to consider the Petition.

Result:

23. In the result, the Transfer Criminal Petition is dismissed.

24. As a sequel, miscellaneous applications, if any, pending in this Transfer Criminal Petition shall stand closed.

JUSTICE PURUSHOTTAM KUMAR CHINTALAPUDI

Date:05.10.2026
DSH

Whether the order is:

Speaking		Reasoned	√
Reportable	√	Non-Reportable	