

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.Nos.2805 and 2807 of 2015

COMMON ORDER

Since the common point is involved in both these revisions and the petitioners/accused are one and the same, they are being taken up together for disposal by this common order.

2. In C.C.Nos.500 of 2012 and 111 of 2013 on the file of the IV Additional Chief Metropolitan Magistrate, Hyderabad, arising out of Section 138 of the Negotiable Instruments Act, 1881, the petitioners/accused filed a memo on 02.09.2015 with a prayer to retain the said C.Cs., before the same Court and not to transfer the cases in view of the provisions of the Negotiable Instruments (Amendment) Ordinance, 2015, wherein it was directed to transfer all the pending cases to the Court of competent jurisdiction, since the said cases were transferred to the IV Additional Chief Metropolitan Magistrate, Hyderabad, for disposal along with the other connected cases as per the orders passed by this Court. The said request was rejected by the trial Court by docket orders dated 08.10.2015. Challenging the same, the present revisions are filed.

3. Heard learned counsel for the petitioners and perused the material on record.

4. In the order impugned, the trial Court observed that in view of the provisions of Negotiable Instruments (Amendment) Ordinance, 2015, irrespective of the provisions of Cr.P.C. or any direction of any Court, all the cases arising out of Section 138 of

Negotiable Instruments Act, 1881, which are pending in any Court whether filed before it, or transferred to it before 15.06.2015 shall be transferred to the Court within whose limits the complainant's Bank is located. Therefore, the trial Court rejected the request of the petitioners/accused vide orders impugned.

5. The material on record shows that the complainants in both the present cases have filed other cases against the petitioner/accused in different Courts. The petitioners herein filed Tr.Crl.P.Nos.177 and 178 of 2010 seeking to transfer the said cases to the Court of IV Additional Chief Metropolitan Magistrate, Nampally. By orders dated 18.04.2012, this Court allowed the said Transfer Criminal Petitions by transferring the said cases to the Court of IV Additional Chief Metropolitan Magistrate. In view of the said orders of this Court, the connected matters are all transferred and pending before the IV Additional Chief Metropolitan Magistrate. Since C.C.Nos.500 of 2012 and 111 of 2013 are also connected with those transferred cases, this Court is of the view that in order to avoid conflict of decisions in all the connected cases, it is desirable that the same Court shall dispose of the present cases along with the other connected cases.

6. In view of the above, the orders impugned are set aside and the learned IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is directed to proceed with trial in C.C.Nos.500 of 2012 and 111 of 2013 along with the other connected matters and pass appropriate orders in accordance with law.

7. Accordingly, both the Criminal Revision Cases are disposed of. Miscellaneous Petitions, if any, pending in these revisions shall stand closed.

19th November, 2015
sj

JUSTICE RAJA ELANGO