

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
TRANSFER CRIMINAL PETITION No.147 of 2013

ORDER:

This petition is filed seeking transfer of C.C.No.10 of 2013, which is pending on the file of Judicial First Class Magistrate, Guntakal, Ananthapur District to the Court of XVII Additional Chief Metropolitan Magistrate, Metropolitan Criminal Courts, Hyderabad.

The 1st respondent herein was the complainant alleging commission of offence under Section 138 Negotiable Instruments Act by the petitioner herein. It appears, as per the complaint the petitioner approached the 1st respondent and borrowed Rs.5,00,000/- at Guntakal and executed a promissory note in favour of the complainant agreeing to pay the amount of Rs.5,00,000/- together with interest at the rate of 24% p.a. In spite of repeated demands made by the complainant, the loan amount has not been returned. The petitioner, it is alleged to have issued a cheque drawn on HDFC Bank, Jubilee Hills, Hyderabad, which was presented for collection at Andhra Bank, Guntakal Branch, but however, cheque has been dishonoured for want of sufficient funds in the account.

The only reason assigned by the petitioner for seeking transfer of the case to Hyderabad is spelt out in paragraph No.6 of this petition is that the HDFC Bank Limited, Jubilee Hills Branch, Hyderabad, which has returned the cheque unpaid is under the territorial jurisdiction of the XVII Additional Chief Metropolitan Magistrate, Metropolitan Criminal Courts, Hyderabad and seeking transfer of the case. As none appears for the petitioner, I did not have the benefit of knowing the stage at which the proceedings are lying. If the defacto complainant has already filed his affidavit in lieu of chief examination and if the matter is coming up for his cross-

examination, the proceedings need not be transferred from the Court at Guntakal, Ananthapur to the XVII Additional Chief Metropolitan Magistrate, Metropolitan Criminal Courts, Hyderabad.

In fact none appeared on 03.06.2015, as well as on 10.06.2015. When the case was taken up on 17.06.2015 an adjournment was sought for one week to secure detailed instructions in the matter. That is how the matter is posted today and when it is taken up today there is no representation on behalf of the petitioner.

I, therefore, consider that the case must be ripening up for cross-examination of the witnesses. Hence, in that view of the matter, the petition is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

24.06.2015
Ksp