

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

TRANSFER CRIMINAL PETITION NO. 104 OF 2015

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ORDER:

This Transfer Criminal Petition is filed under Section 407 Cr.P.C by the petitioner seeking transfer of CC No. 47 of 2010 on the file of Principal Special Judge for SPE & ACB Cases, Hyderabad to any other Special Court for trial of ACB Cases at Hyderabad in the interest of justice.

The reason proposed for transfer is that the present petitioner was an accused in CC No. 63 of 2009, which was a trap case and in that case the learned Principal Special Judge for SPE & ACB, Hyderabad convicted him on 16.4.2015 and now the present case CC No. 47 of 2010, is a Disproportionate Assets Case pending in the same court and in this matter the trial is going on and in view of the conviction passed in other case, the petitioner/accused apprehends that he may not get justice in that court and there is likelihood of the trial court passing conviction in this case also. So, in the interest of justice CC No. 47 of 2010 may be transferred from the file of Special Judge for SPE & ACB Cases, Hyderabad to any other Special Court for trial of ACB Cases at Hyderabad.

Learned Special Public Prosecutor for ACB cases vehemently opposed the petition submitting that merely because the petitioner was convicted in CC No. 63 of 2009 and that cannot be a ground to seek for transfer of the present case. His submission is that each case will depend upon its facts and evidence and therefore, there cannot be any apprehension that since in one case the petitioner was convicted, he will be convicted in other case also. He thus prayed for dismissal of Transfer Criminal Petition.

In the light of the above arguments, the point for determination is whether there are merits in this petition to allow?

POINT:

Upon hearing both sides, this Court is of the considered view that merely because the petitioner/accused was convicted in CC No. 63 of 2009 there cannot be

any automatic conclusion that he will be convicted by the said Court in CC No. 47 of 2010. As rightly pointed out by the learned Special Public Prosecutor, each case depends upon its own merits and demerits. It is informed that the matter is now coming up for cross-examination of the I.O and at this juncture, it is not apposite to transfer C.C.No. 47 of 2010 on the file of Special Judge for SPE & ACB Cases, Hyderabad to any other court.

Accordingly, the Transfer Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 01.05.2015

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