

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Transfer Criminal Petition.No.274 of 2013

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ORDER:

None appears for the petitioner and there is no representation on his behalf when his name is called out.

This petition is filed seeking transfer of C.C.No.220 of 2013 pending on the file of the X Special Metropolitan Magistrate at L.B.Nagar, Ranga Reddy District, to any Court within the jurisdiction of Hyderabad District.

In C.C.No.220 of 2013, the 1st respondent herein is the *de facto* complainant and the petitioner herein is the sole accused, who is stated to have committed the offence under Section 138 of the Negotiable Instruments Act. It appears that the *de facto* complainant and the petitioner herein are close to each other and hence, the petitioner approached the *de facto* complainant during November, 2011 seeking a loan of Rs.5-00 lac to meet his urgent personal necessities. Hence, the complainant lent the money in December, 2011. The *de facto* complainant, when demanded repayment in March, 2012, instead of keeping up the promise, the petitioner herein kept on protracting the issue of repayment of the loan. Due to the persistent demands made by the complainant, on 29-05-2013, the petitioner issued the cheque drawn on State Bank of Hyderabad and when the said cheque was presented, the Bank of Maharashtra, Champapet Branch, the banker of the *de facto* complainant, returned the same unpaid for want of sufficient funds in the bank account of the petitioner. At that stage, the petitioner, when confronted about the dishonor of the cheque, has pointed out that some of the proceeds, which he has received could not be credited to his bank account and it will take few more days for the bank to realize the said money and hence, the complainant was asked to wait for few more days. Accordingly, the complainant, with the prior intimation to the petitioner herein, presented the cheque on 18-06-2013 and, once again, the said cheque was returned by the banker of the petitioner herein with an endorsement "insufficient funds" on 20-06-2013. Hence, C.C.No.220 of 2013 has been instituted.

The petitioner herein would assert that the X Special Metropolitan Magistrate at L.B.Nagar, Ranga Reddy District lacks jurisdiction to entertain the complaint and, on the other hand, any one of the Courts at Hyderabad alone will have jurisdiction. Hence, he sought for transfer of the criminal case from the X Special Metropolitan Magistrate at L.B.Nagar, Ranga Reddy District, to any Court within the jurisdiction of Hyderabad District.

The ground urged by the petitioner for seeking transfer of the criminal case is untenable. If the X Special Metropolitan Magistrate at L.B. Nagar, Ranga Reddy District does not have the necessary jurisdiction, the same will either be returned or dismissed by that Court and that would be the consequence, which the respondent – de facto complainant will be facing. The petitioner will not be put to any hardship in that process. Therefore, there is no reason for transfer of the criminal case from out of the Court of the X Special Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar.

Hence, the Transfer Criminal Petition is dismissed.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J.

mrk

12.06.2015.