

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION No.27853 of 2015

Dt:16.09.2015

Between:

G.Narsimha Reddy.

... Petitioner

And

The State of Telangana and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION No.27853 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Learned counsel for the petitioner seeks leave to delete respondent No.3 from the array of the respondents.

Leave granted. Amendment to be carried out forthwith.

The petitioner impugns the order, dated 19.05.2015 (Annexure P1), whereby the Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar transferred C.C.No.281 of 2014 pending on the file of the X Special Magistrate Court, Hasthinapuram to the Court of the II Special Magistrate Court at Hasthinapuram and further directed to transmit the record to the said Court.

The impugned order reads thus:

“Sub: **Criminal Cases:** Transfer of Criminal Cases pending on the file of X Special Magistrate Court at Hasthinapuram to the Court of II Special Magistrate Court at Hasthinapuram-Orders-Issued.

Ref: Inward No.1035/2015, dated 12.05.2015 of I ADJ-cum- Metropolitan Sessions Judge, Cyberabad at L.B.Nagar.

Order Dis No.1140/2015

Dated 19.05.2015

The Metropolitan Sessions Judge, Ranga Reddy district is pleased to pass the following order:-

The following Criminal Cases pending on the file of X Special Magistrate Court at Hasthinapuram is withdrawn and transferred to the Court of II Special Magistrate Court at Hasthinapuram.

Sl. No.	Case No.
1.	C.C.No.281 of 2014

X Special Magistrate Court at Hasthinapuram is required to transmit the entire records in the above said cases to the Court of II Special Magistrate Court at Hasthinapuram duly indexed after making necessary entries in the computer immediately.”

It is apparent from the order that the Metropolitan Sessions Judge exercised his powers under Section 408 of the Code of Criminal Procedure. This provision undoubtedly confers powers on a Sessions Judge to pass an order transferring case from one criminal Court to another criminal Court in his sessions division if he finds that it is expedient for the ends of justice to do so. This power, learned Sessions Judge, can exercise on the report of the lower Court or on an application of a party interested or on his own initiative. In the present case, it appears that the impugned order has been passed on the application, dated 12.05.2015, made by complainant.

We have perused the complaint, dated 12.05.2015, made by the complainant. We would not like to express any opinion whether the contents of the complaint are sufficient enough to pass such an order. We find fault with the order only on the ground that while passing such order, as contemplated by Section 412 of the Code of Criminal Procedure, learned Sessions Judge ought to have recorded reasons for making such order. We do not find any reason what-so-ever in the order for exercising powers under Section 408 of the Code of Criminal Procedure. In view thereof, we have no option but to set aside this order.

Order accordingly.

This, however, shall not preclude the learned Metropolitan

Sessions Judge, Ranga Reddy District to pass fresh order if he so desires on the basis of the complaint, dated 12.05.2015, in accordance with Section 412 of the Code of Criminal Procedure. While passing this order, it is made clear that we have not examined the merits of the complaint, dated 12.05.2015, and we set aside the impugned order solely on the ground that the learned Sessions Judge did not record reasons for passing such an order.

With these observations, the writ petition is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

A.RAJASHEKER REDDY, J

Dt:16.09.2015

kdl