

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Transfer Criminal Petition.No.268 of 2013

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ORDER:

None appears for the petitioner even today.

The petitioner sought for transfer of C.C.No.461 of 2013 pending on the file of the First Additional Special Magistrate Court, Ranga Reddy District at Hastinapur to any Special Magistrate Court at Hyderabad.

C.C.No.461 of 2013 is related to an offence said to have been committed by the petitioner herein under Section 138 of the Negotiable Instruments Act. The 1st respondent herein was the complainant in the said case. It appears that the *de facto* complainant and the petitioner herein are closely acquainted with each other and the petitioner herein has borrowed a sum of Rs.3,50,000/- in February, 2012 from the complainant as hand loan to meet his family and business requirements urgently with a promise to repay the same within three months. In spite of reminding the petitioner herein to repay the said amount, as promised, the same does not materialize and due to the repeated demands made by the *de facto* complainant, the petitioner has delivered him a cheque bearing No.031492 dated 28-06-2012 in a sum of Rs.3,50,000/- drawn on the Federal Bank, Uppal Kalan Branch, Ranga Reddy District, to discharge his liability completely. When the *de facto* complainant presented the cheque through his banker State Bank of India, Amberpet Branch, Hyderabad, for encashment, the same has been returned with an endorsement "payment stopped by drawer", and hence, the dishonoured cheque has been returned on 04-07-2012. The petitioner, in response to the legal notice dated 17-07-2012 said to have been got issued by the *de facto* complainant, sent up a reply notice on 31-07-2012 stating that the averments made are false and frivolous. Hence, the complaint is lodged.

It is stated that the cheque was drawn at the Federal Bank, Uppal Kalan Branch, Ranga Reddy District and the Court at Hastinapur has the necessary jurisdiction to entertain the said complaint. The petitioner sought for transfer of the

case on the ground that the 1st respondent is threatening him through his henchmen and anti-social elements with dire consequences. He, therefore, apprehends danger and risk if the Court at Hastinapur is allowed to deal with the complaint and hence, he sought for transfer.

The ground urged for transfer of the case is an untenable one. If the petitioner apprehends any risk or danger to his life or liberty, he has the full freedom to complain against the 1st respondent to any of the Police Officers, who could have easily investigated the allegations and if they were found to be true and correct, they would have taken appropriate corrective measures. Without adopting any such procedure, the petitioner has merely raised a plea of risk and danger to his life.

Hence, I do not find any justifiable reason to entertain this Transfer Criminal Petition and accordingly, it is dismissed.

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

NOOTY RAMAMOHANA RAO, J.

mrk

12.06.2015.