

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Tr.Crl.P.No.163 of 2014

ORDER :

This petition is filed under Section 407(2) of the Code of Criminal Procedure (for short, 'the CrPC') by the Petitioner-accused of the private complaint case in C.C.No.112 of 2014 for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'the N.I.Act'), maintained by the 1st respondent/complainant on the file of the IV Special Metropolitan Magistrate, Erramanjil, Hyderabad, praying to transfer the same to the II Metropolitan Magistrate at L.B.Nagar, pending disposal of the Criminal Petition.

2. Heard the learned counsel for the petitioner/accused so also the learned Public Prosecutor representing State and perused the material on record.

3. It is the factual matrix from the petition averments with some supporting material including from the orders covered by the Crl.T.A.Nos.650 to 653 of 2013 on the file of the learned Metropolitan Sessions Judge, Cyberabad, Ranga Reddy district with some cheque bouncing cases filed by the 1st respondent herein against other accused out of the business transaction covered by C.C.Nos.225, 226, 227 and 263 of 2013 which were already transferred to II Metropolitan Magistrate, L.B.Nagar, Ranga Reddy, to decide simultaneously. It is therefrom the submission by the petitioner/accused herein that he maintained a private complaint case C.C.No.1135 of 2013 against the respondent(complainant of C.C.No.112 of 2014 under Section 138 of the N.I.Act, referred supra) under Sections 415,406 and 506 read with 149 of I.P.C. which is pending on the file of the learned II Metropolitan Magistrate, L.B.Nagar. The C.C.No.112 of 2014 supra is pending on the file of the IV Special Metropolitan Magistrate, at Erramanjil which is now sought to be transferred to the file of the II Metropolitan Magistrate at L.B.Nagar, where all the other 5 cases are pending, to decide all cases by one judge because the facts in all the cases are inter-related for appreciation. No doubt, it is asked for joint trial which is unknown to the criminal law but for simultaneous conducting of trial, independently hearing arguments and simultaneously dispose of by independent judgments, however, on same day.

4. Though the respondent/complainant in C.C.No.112 of 2014 opposed the same

saying the scope of the summary trial case in C.C.No.112 of 2014 is entirely different from a private warrant case in C.C.No.1135 of 2013 and there are no grounds to transfer, ordering to decide by one judge not cause in any way prejudice to the rights of said complainant in C.C.No.112 of 2014 as ordering simultaneous trial and no way says to dispose of adopting only a particular procedure in all the cases but for to say as per the procedure envisaged for the cases to decide simultaneously.

5. In the result, the Transfer Criminal Petition is allowed. Miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 03.06.2015

vvr