

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TRANSFER CRIMINAL PETITION No.12 of 2013

ORDER:

None appears for the petitioner. When the matter is taken up today, on behalf of the 1st respondent, Sri O.Kailashnath Reddy, learned senior counsel has appeared.

Learned Senior Counsel would point out that the present petition is filed for transferring S.T.C.No.142 of 2009 pending on the file of I Additional Judicial First Class Magistrate, Kadapa to the Chief Metropolitan Magistrate, Nampally, Hyderabad. The reason for such transfer was pointed out in Paras 3, 4 and 5 of the present petition. It is stated that since the cheque bearing No.103846 has bounced, C.C.No.57 of 2010 was filed in that regard before the XVIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. While the said case is being contested, with a view to harass the petitioner, S.T.C.No.142 of 2009 has filed at Kadapa. It is further stated that the transaction which ultimately resulted in C.C.No.57 of 2010 is one and the same from out of which the present S.T.C.No.142 of 2009 arises. Hence, prayed that S.T.C.No.142 of 2009 be transferred to the Court of Chief Metropolitan Magistrate at Nampally, so as to enable the petitioner to adduce the evidence available at Hyderabad.

Whereas Sri O.Kailashnath Reddy, learned senior counsel for the 1st respondent, would point out that CC.No.57 of 2010 has already been decided and nothing remains in that regard before the learned Magistrate. In fact, the matter is pending in the appellate Court.

In that view of the matter, no case is made out for transfer of S.T.C.No.142 of 2009.

Accordingly, the transfer criminal petition is dismissed.

Consequently, miscellaneous petitions, if any, pending shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

08.06.2015

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