

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Transfer Criminal Petitions No.148 and 166 of 2011

COMMON ORDER:-

These two petitions are filed to transfer C.C.No.141 of 2010 on the file of the XII Additional Chief Metropolitan Magistrate, Hyderabad, and C.C.Nos.141 of 2010 and 390 of 2010 on the file of the XIX Additional Chief Metropolitan Magistrate, Hyderabad, to the Court of VII-Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar, to be tried along with C.C.No.266 of 2011.

2. The petitioners are shown as respondents/accused in three Calendar Cases mentioned above. The 2nd respondent in these petitions filed the complaints for the offence punishable under Section 138 of the N.I.Act alleging that the cheques issued by the petitioners/accused were dishonoured, thereby attracting the penal provisions of Section 138 of the N.I.Act.

3. These three Calendar Cases, two pending on the file of the XIX-Additional Chief Metropolitan Magistrate, Hyderabad, and one on the file of the XII-Additional Chief Metropolitan Magistrate, Hyderabad, are having connection with C.C.No.266 of 2011 which is pending on the file of the VII Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar. Therefore, the petitioners/accused seeking transfer of these three Calendar Cases to the file of the VII- Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar, to be tried along with C.C.No.266 of 2011.

4. The dispute revolves around a transaction in respect of an extent of Ac.2-07 guntas of land in Sy.No.340/AA situated at Ragannaguda village, H/o.Turkyamjal, Hayatnagar. The allegations are that the 2nd respondent and another claiming themselves to be the owners of the said land have sold the same to the petitioners/accused under registered sale deed dated 19-05-2008. The total sale consideration was Rs.60,00,000/-. Out of it, the petitioners/accused paid Rs.30,00,000/- and for the remaining Rs.30,00,000/- cheques were issued. Subsequently, the

petitioners/accused came to know that the respondent and another have played fraud on them and sold the property over which they have no valid title and thereby cheated them. Having realized it, the petitioners/accused instructed the banker not to honour the cheques which they issued in favour of the respondent towards the balance consideration of Rs.30,00,000/-. The 2nd respondent has deposited the cheques and consequently they were dishonoured. The three complaints are filed by the respondent after issuing the statutory notice.

5. The major controversy in between the parties is about the sale transaction dated 19-05-2008 and the cheques are towards part payment thereof. According to the petitioners/accused, those cheques were dishonoured not for any insufficiency of funds but the petitioners/accused themselves specifically instructed the bankers not to honour the cheques since they were cheated by the respondent at the time of sale transaction.

6. Therefore, learned Counsel appearing for the petitioners/accused submits that all these three Calendar Cases should be tried along with main C.C.No.266 of 2011 on the file of the VII- Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar, where all the necessary documents will be produced. The petitioners seek direction to transfer the three Calendar Cases to the Court at Hayatnagar to be tried along with C.C.No.266 of 2011.

7. Taking into consideration of the above facts and circumstances, for proper disposal of three Calendar Cases stated above can be transferred to VII- Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar. But, it is left open to the learned Magistrate, Hayatnagar, to either club them and conduct joint trial or try the three Calendar Cases along with C.C.No.266 of 2011.

8. In the result, both the Transfer Criminal Petitions are allowed withdrawing C.C.No.141 of 2010 from the file of the XII- Additional Chief Metropolitan Magistrate, Hyderabad and C.C.Nos.141 of 2010 and C.C.No.390 of 2010 from the file of the XIX- Additional Chief Metropolitan Magistrate, Hyderabad, and transferred to VII- Additional Chief Metropolitan Magistrate, Cyberabad at Hayatnagar.

Miscellaneous petitions, if any, pending in these Transfer Criminal
Petitions shall stand closed.

M.S.K.Jaiswal, J

September, 2015

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