

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TRANSFER CRIMINAL PETITION No.288 of 2013

ORDER:

None appears for the petitioner. There is no representation on behalf of the petitioner when his name is called.

The 2nd respondent herein is the *defacto* complainant in C.C.No.160 of 2012 on the file of II Special Magistrate, Malkajgiri, Cyberabad. It is alleged that the petitioner herein has committed an offence under Section 138 Negotiable Instruments Act. It is stated that the complainant and the accused are known very well to each other through a common friend by name

Sri A.Balraj Goud. The accused offered to sell a plot of land at Medchal village to the complainant and to the said transaction their common friend Sri A.Balraj Goud acted as mediator. The agreed sale consideration is Rs.10,50,000/- and 50% of the total sale consideration has been paid i.e. a sum of Rs.5,25,000/- on 25.12.2011 through the said Sri A.Balraj Goud. On 26.12.2011 when the *defacto* complainant completed all other formalities for registration of sale deed by paying the challan towards registration fee, the officials of the Sub-Registrar's office informed the *defacto* complainant about the earlier sale deed executed in favour of 3rd party with regard to the same plot. In those circumstances, the petitioner herein has agreed to refund the sale consideration amount received from the *defacto* complainant and accordingly issued cheque bearing No.382279 dated 18.01.2012 drawn in a sum of Rs.5,25,000/- on State Bank of Hyderabad, Medchal branch. When the said cheque has been presented to State Bank of India, Anand Bagh branch, Hyderabad on 19.01.2012, the same has been returned dishonoured with an endorsement "insufficient funds". Hence, the complaint was lodged with the Court. Now, the petitioner sought for transfer of the said case to XXIV Special Magistrate, Erramanzil, Hyderabad only on the ground that another C.C.No.432 of 2012 is pending on the file of XXIV Special Magistrate, Erramanzil, Hyderabad and that they are co-related and come out of the same transaction.

It is also the case of the petitioner that the respondent Nos.1 and 2 herein cheated him taking advantage of his illiteracy.

The grounds urged by the petitioner seeking transfer of the case are untenable.

Hence, the petition is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

12.06.2015

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