

HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2171 of 2014

ORDER:

This revision case is filed by petitioners-A1 & A5 challenging the order dated 12.8.2014 passed by the Metropolitan Sessions Judge, Hyderabad in Tr.P.No.1730 of 2014 in C.C.No.35 of 2014.

The above Transfer Petition was filed by A2, A3 and A4 in the above C.C., seeking to transfer the C.C. from the Court of XV Special Magistrate to the file of XVI Special Magistrate. The learned Metropolitan Sessions Judge allowed the said transfer petition. Aggrieved by the same, the present revision is filed by A1 and A5.

Heard and perused the material available on record.

The petitioners filed the present revision on the ground that five accused are facing trial in the above C.C. and among them, three accused filed the above transfer petition and the present petitioners were not shown as parties in the said transfer petition and even without there being any notice to the petitioners, the order under revision was passed.

When a transfer petition is filed by any one of the parties, it is to be examined as to whether all parties were shown as parties or not. If all parties are not shown as parties, the steps be taken for adding them as parties after issuing notice to them.

From the material available on record, it is evident that the petitioners, who are facing trial in the above C.C., were not made as parties in the transfer petition. No notice was also issued to the petitioners. Therefore, this Court is of the view that the order under revision is not sustainable and hence, the same is liable to be set aside.

Accordingly, the Criminal Revision Case is allowed setting aside the order dated 12.8.2014 passed by the Metropolitan Sessions Judge, Hyderabad in Tr.P.No.1730 of 2014 in C.C.No.35 of 2014. Miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

18.6.2015
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HON'BLE SRI JUSTICE RAJA ELANGO

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