

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

Transfer Criminal Petition No.113 of 2011

ORDER:-

The transfer Criminal Petition is filed to transfer C.C.No.266 of 2011 arising out of Cr.No.666 of 2009 from the file of VII-Additional Metropolitan Magistrate, Cyberabad at Hayatnagar, to the Court of XIX-Additional Metropolitan Magistrate, Hyderabad.

2. 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 respondents claiming themselves to be the owners of the said land have sold the same to the petitioner and another under registered sale deed dated 19-05-2008. The total sale consideration was Rs.60,00,000/-. Out of it, the petitioner and another paid Rs.30,00,000/- and for the remaining Rs.30,00,000/- cheques were issued. Subsequently, the petitioner and another came to know that the respondents have played fraud on them and sold the property over which they have no valid title and thereby cheated them. Having realized it, the petitioner instructed the banker not to honour the cheques which they issued in favour of the 2nd respondent towards the balance consideration of Rs.30,00,000/-. The 2nd respondent has deposited the cheques and consequently they were dishonoured. The two complaints are filed by the 2nd respondent after issuing the statutory notice.

3. The main 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 petitioner, those cheques were dishonoured not for any insufficiency of funds but the petitioner himself specifically instructed the bankers not to honour the cheques since he was cheated by the 2nd respondent at the time of sale transaction.

4. Vide orders of even date made in Tr.Crl.Pt.Nos.148 and 166 of 2011, this Court directed that C.C.No.141 of 2010 on the file of the XII

Additional Metropolitan Magistrate, Hyderabad, and C.C.Nos.141 of 2010 and 390 of 2010 on the file of the XIX Additional Metropolitan Magistrate, Hyderabad, are directed to be transferred to the Court of VII-Additional Metropolitan Magistrate, Cyberabad at Hayatnagar. In that view of the matter, transferring C.C.No.266 of 2011 from the file of the VII-Additional Metropolitan Magistrate, Cyberabad at Hayatnagar, to the Court XIX-Additional Metropolitan Magistrate, Hyderabad, is not warranted. The substantial controversy in between the parties is with regard to the land situated within the jurisdiction of the Court at Hayatnagar. Therefore, C.C.No.266 of 2011 on the file of the VII-Additional Metropolitan Magistrate, Cyberabad at Hayatnagar cannot be transferred to XIX-Additional Metropolitan Magistrate, Hyderabad, as three other connected Calendar Cases filed under Section 138 of the N.I.Act pending on the file of the XII-Additional Metropolitan Magistrate and XIX-Additional Metropolitan Magistrate, Hyderabad, have been ordered to be transferred to VII-Additional Metropolitan Magistrate, Cyberabad at Hyderabad. In that view of the matter, the present Transfer Criminal Petition is liable to be dismissed.

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

M.S.K.Jaiswal, J

September, 2015

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