

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

CRIMINAL PETITION No.7167 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioner, who is respondent in DVC No.59 of 2014, seeking to modify the order dated 28.07.2015 in CrI.M.P.No.122 of 2015 on the file of Additional Metropolitan Sessions Judge, R.R.District, Cyberabad.

2. The grievance of the petitioner herein is that even though he filed the impugned application for transfer of DVC No.59 of 2014 on the file of VIII Metropolitan Magistrate, Cyberabad, at Rajendranagar to the file of III Metropolitan Magistrate, Cyberabad at L.B.Nagar and the second respondent-complainant had no objection for the said transfer, the trial Court passed the impugned order withdrawing the said DVC from the file of VIII Metropolitan Magistrate, Rangendranagar and transferred the same to XIX Metropolitan Magistrate, Kukatpally at Miyapur instead of III Metropolitan Magistrate, Cyberabad at L.B.Nagar.

3. Heard and perused the material on record.

4. As seen from the order impugned, even the prayer portion of the order appears to be incorrect with regard to the prayer of the impugned application and apparently, there is a mistake committed by the Court below in transferring DVC No.59 of 2014 on the file of VIII Metropolitan Magistrate, Rajendranagar, Cybleranad to the file XIX Metropolitan Magistrate, Kukatpally at Miyapur instead of III Metropolitan Magistrate, Cyberabad at L.B.Nagar, as sought for by the petitioner. Therefore, the order dated 28.07.2015 passed in CrI.M.P.No.122 of 2015 is set aside and the matter is remanded to the Court below for disposal afresh in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Petition is disposed of.

Miscellaneous applications, if any, pending in this petition shall stand closed.

M.S.K.JAISWAL,J

3rd June, 2016
sj