

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

Transfer Criminal Petition No.130 of 2014

ORDER:-

The petition is filed to transfer C.C.No.102 of 2014 on the file of the Special Magistrate Court, Kovvur, Nellore District, to the Court of XV-Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District.

The petitioner is the accused in C.C.No.102 of 2014 under Section 138 of the Negotiable Instruments Act alleging that the cheque for Rs.2.50 lakhs issued by the petitioner/accused was dishonoured.

The contention of the petitioner is that in view of the disputes between herself and her husband, the present complaint came to be filed by the respondent at the behest of her husband who has taken certain signed cheques from her. It is submitted by the petitioner that she is a resident of Kompally, Secunderabad, and she has also filed certain cases, which are pending on the file of the XV-Metropolitan Magistrate, Cyberabad at Medchal. Insofar as the present case is concerned, it is submitted that the respondent has filed the case at Kovvur, Nellore District, so as to harass her and since she is having two tender aged children and she has no male support, she is finding it difficult to go to that far off place on every date of hearing. Hence, the case be transferred to the Court at Medchal.

It is noticed from the record that the cheque in question is dated 14-12-2012 and it was drawn on State Bank of India, Banjara Hills branch, Hyderabad. The respondent presented the cheque in Corporation Bank, Damaramadugu, on 10.01.2013 and the said cheque was dishonoured on the ground of funds being insufficient. A memo to that effect has been issued by the State Bank of India, Banjara Hills Branch, Hyderabad.

Taking into consideration of the above facts and circumstances and the grounds pleaded by the petitioner, who is a lady said to have been deserted by her husband and having two tender aged school

going children and since the petitioner/accused has filed a case against the respondent herein alleging offences punishable under Sections 420, 406, 465 and 471 I.P.C., which is pending on the file of the XV-Metropolitan Magistrate, Cyberabad at Medchal, I feel that the case at Kovvur can be transferred to the Court of XV-Metropolitan Magistrate, Cyberabad at Medchal.

In the result, Transfer Criminal Petition is allowed transferring C.C.No.102 of 2014 on the file of the Special Magistrate Court at Kovvur, Nellore District, to the Court of XV-Metropolitan Magistrate, Cyberabad at Medchal.

The Criminal Petition is allowed accordingly. Miscellaneous petitions, if any, shall stand closed.

June, 2016

M.S.K.Jaiswal, J

smr