

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.250 OF 2016

ORDER:

This criminal petition, under Section 407 Cr.P.C., is filed to withdraw C.C.No.476 of 2014 pending on the file of Judicial Magistrate of First Class, Nandyal, and transfer the same to the I Special Magistrate Court, Erramanjil, Hyderabad, on the ground that the second petitioner is resident of Hyderabad and it is convenient for her to attend the court at Nandyal.

The first petitioner is the company by name Amsys Embedded Technologies Pvt., Ltd., and the second petitioner is the Managing Director of the said company.

It is the case of petitioners that there were matrimonial disputes between the second petitioner and her husband. Taking advantage of the said disputes, the second respondent, who is the de facto complainant, obtained a cheque from her and presented the said cheque before collecting Bank, on its dishonour, complying the requirement under the Negotiable Instrument Act, 1881 issued notice within the time and filed the complaint before the Judicial Magistrate of First Class, Nandyal. The second respondent resident of Rythu Nagaram, Nandyala Mandal, Kurnool District.

The residence of petitioners is nothing to do with the complaint pending before the Judicial Magistrate of First Class, Nandyal, and that apart cause of action arose within the territorial limits of Nandyal. Complainant is resident of Rythunagaram, Nandyala Mandal, Kurnool District. If for any

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reason, C.C. No.476 of 20114 is withdrawn and transferred the C.C. to the Court at Erramanzil, it is difficult for the complainant to attend the court undertaking journey for more than 270 km from Nandyal to Hyderabad. Therefore, the residence of the petitioners is not a ground to withdraw and transfer the matter to any other court. Consequently, the criminal petition is liable to be dismissed.

In the result, the criminal petition is dismissed.

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

Date: 03.11.2016
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M. SATYANARAYANA MURTHY, J

