

THE HON'BLE SRI JUSTICE RAJA ELANGO

**Tr. Criminal Petition Nos.203 and 204 of 2014 and 124, 125 and
126 of 2016**

COMMON ORDER:

Since the issue involved in all these cases is one and the same arising out of a same transaction, they are being disposed of by this common order.

-

The Transfer Criminal Petition Nos.203 and 204 of 2014 are filed under Section 407 Cr.P.C. seeking to transfer Criminal Appeal No.526 of 2014 and 527 of 2014 respectively pending on the file of Metropolitan Sessions Judge, Hyderabad to VII Additional Metropolitan Sessions Judge, Hyderabad to be tried along with Criminal Appeal Nos.43, 44, 45, 46 and 47 of 2009.

Transfer Criminal Petition Nos.124 of 2016 and 125 of 2016 are filed under Section 407 Cr.P.C. seeking to transfer Criminal Appeal Nos.45 of 2009, 44 and 46 of 2009 pending on the file of VII Metropolitan Sessions Judge, Hyderabad to the Court of Metropolitan Sessions Judge, Hyderabad to be tried along with Criminal Appeal Nos.526 and 527 of 2014.

Heard the learned counsel for the petitioners in all the cases and perused the material.

It is stated that five private complaints were filed for dishonor of cheques before the I Additional Chief Metropolitan Magistrate at Hyderabad, as the cheques issued out of a common transaction were dishonoured and after a due trial, the learned Magistrate passed separate conviction and sentences in all the five cases, and separate criminal appeals were filed challenging

the said conviction and sentences before different courts. The main ground urged by the learned counsel for the petitioners is that since the issue involved in all the cases arose out of same transaction and between the same parties, if all the criminal appeals are to be tried and decided together by one Court, there will not be any conflicting judgments and it is convenient to meet the ends of justice.

This Court is of the view that before granting any relief as sought for, notice to other side should be ordered without which no relief can be granted. However, having regard to the facts and circumstances of the cases, if the relief as sought for is granted, no prejudice would be caused to other side, and that if all the appeals are to be dealt with by one court, it is convenient to both the parties to prosecute their cases effectively.

Considering the facts and circumstances of the case, and in view of the circumstances stated above, the Criminal Appeal Nos. 526 and 527 of 2014 pending on the file of Metropolitan Sessions Judge, Hyderabad are withdrawn from that Court and transferred the same to the Court of VII Additional Metropolitan Sessions Judge, Hyderabad, where Criminal Appeal Nos. 43, 44, 45, 46 and 47 of 2009 are pending, to be tried and disposed of along with those criminal appeals. The learned VII Additional Metropolitan Sessions Judge, Hyderabad is directed to dispose of all the criminal appeals in accordance with law as expeditiously as possible, preferably within a period of six months.

With the above direction, the Transfer Criminal Petition Nos.203 and 204 of 2014 are allowed and the Transfer Criminal Petition Nos.124, 125 and 126 of 2016 are dismissed.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 25-04-2016

-
Ksn