

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4130 OF 2016

ORDER:

1. This petition is filed by the petitioner-complainant under Section 482 Cr.P.C. seeking to quash the order dated 22.2.2016 passed in Transfer Criminal Miscellaneous Petition No.2647 of 2015 by the Metropolitan Sessions Judge, Hyderabad.
2. Heard and perused the material available on record.
3. Originally, the petitioner is the complainant in C.C.No.357 of 2015 on the file of the XIV Special Magistrate, Erramanjali, Hyderabad and in C.C.No.317 of 2015 on the file of the XXV Special Magistrate, Erramanjali, Hyderabad. The 1st respondent is the accused in both the cases. The petitioner filed both the cases against the 1st respondent for the offence punishable under Section 138 of the Negotiable Instruments Act. The complainant filed the above Transfer M.P. seeking transfer of C.C.No.317 of 2015 from the Court of XXV Special Magistrate, Erramanjali, Hyderabad to the Court of XIV Special Magistrate, Erramanjali, Hyderabad, wherein C.C.No.357 of 2015 is pending. But the learned Metropolitan Sessions Judge transferred C.C.No.357 of 2015 pending on the file of the XIV Special Magistrate, Hyderabad to the Court of XXV Special Magistrate, Hyderabad to be tried along with C.C.No.317 of 2015. Aggrieved by the same, the petitioner filed this petition.
4. It is the case of the petitioner that C.C.No.357 of 2015 is the first case against the 1st respondent-accused, and as per the Amendment to Section 142-A of the Negotiable Instruments Act, the subsequent case shall be transferred to the Court where the first case is pending. Even though memo was filed by the petitioner for transfer of the subsequent case, the learned Sessions Judge, without considering the provisions of law passed orders transferring the first case viz., C.C.No.357 of 2015.

5. The main grievance of the petitioner is that the accused may raise objection for trial of earlier case along with subsequent case on the ground that it is violation of the provisions of Section 142-A of the Negotiable Instruments Act.

6. In the above circumstances, this Court is of the view that if any objection is raised by the 1st respondent-accused with regard to the trial of earlier case along with subsequent case, and if any order is passed on such objection, it is left open to the petitioner to challenge the said order, if he is aggrieved over the same.

7. Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 28.3.2016

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-

-
-
-
-
-

CRIMINAL PETITION No.4130 OF 2016

DATED 28.3.2016

Nn