

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION NO.271 OF 2016

ORDER:

This petition is filed under Section 407 of Criminal Procedure Code (for short "Cr.P.C.") to withdraw the C.C.No.3 of 2002 pending on the file of the I Additional Metropolitan Sessions Judge at Hyderabad and transfer the same to any other competent Court.

The present C.C.No.3 of 2002 on the file of I Additional Metropolitan Sessions Judge at Hyderabad is a split up case from C.C.No.7 of 2001. It is contended in the petition that the parties before the trial Court did not agree to club the present case with the main case. The presiding Officer has directed the prosecution to produce all the witnesses (405 in number). Out of them 165 witnesses were examined before the Court. Therefore, it appears from the allegations that without fixing any schedule for trial, the said direction was issued by the Court.

The direction issued by the Presiding Officer appears to be irregular. For fair trial of the case, it is the duty of the Court to vanish the doubt in the minds of the parties, who are facing trial. Hence, with a view to have a fair trial, I find that it is appropriate to withdraw the C.C.No.3 of 2002 on the file of the I Additional Metropolitan Sessions Judge, Hyderabad and transfer the same to III Additional Metropolitan Sessions Judge, Hyderabad.

Accordingly, C.C.No.3 of 2002 on the file of the I Additional Metropolitan Sessions Judge, Hyderabad is withdrawn and the same is transferred to III Additional Metropolitan Sessions Judge,

Hyderabad for disposal in accordance with law.

With the above directions, the petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

24.10.2016
Ksp

