

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TR.CRL.P Nos.296, 297 AND 298 OF 2016

COMMON ORDER:

These transfer criminal petitions are filed under Section 407 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') requesting the Court to withdraw S.C.No.289 of 2015 pending on the file of Assistant Sessions Judge, Kamareddy, Nizamabad District, and S.C. Nos.101 and 106 of 2016 pending on the file of Principal Assistant Sessions Judge, Warangal, and transfer the same to the Court of II Additional Metropolitan Sessions Judge, Hyderabad, to try along with S.C.Nos 446, 447, 448 and 449 of 2016 for disposal in accordance with law.

The main grievance of the petitioner is that S.C. No.289 of 2015 pending on the file of Assistant Sessions Judge, Kamareddy, Nizamabad District, and S.C. Nos.101 and 106 of 2016 pending on the file of Principal Sessions Judge, Warangal, respectively, whereas S.C.Nos 446, 447, 448 and 449 of 2016 are pending on the file of II Additional Metropolitan Sessions Judge, Hyderabad, for the same offence and against the same accused and the witnesses listed in the charge sheet, who are proposed to be examined, such as, L.Ws.3, 4, 14, 11, 13, 10 and 12 in SC No.289 of 2015 are the common witnesses in SC No.101 of 2016 and 106 of 2016, and these witnesses are all residents of Hyderabad, therefore, to avoid inconvenience to the witnesses and to avoid conflicting decisions, the petitioner requested to withdraw S.C. No.289 of 2015 pending on the file of Assistant Sessions Judge, Kamareddy, Nizamabad District, and SC Nos.101 and 106 of 2016 pending on the file of Principal

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Assistant Sessions Judge, Warangal, and transfer the same to the Court of II Additional Metropolitan Sessions Judge, Hyderabad.

The learned public prosecutor for the State of Telangana, on verification, admitted that most of the witnesses are the residents of Hyderabad and did not object it specifically.

On perusal of the charge sheets in S.C.Nos.289 of 2015, 101 and 106 of 2016, witnesses are residents of Hyderabad and in case these matters are to be tried by the Courts at Kamareddy and Warangal, they would cause inconvenience to undertake journey from Hyderabad on each and every date of adjournment and if the cases are withdrawn and transferred to the II Additional Metropolitan Sessions Judge, Hyderabad, they can avoid waste of time and money, and it is most convenient for the witnesses to appear before the II Additional Metropolitan Sessions Judge, Hyderabad, and the Court can avoid payment of travelling charges also, and further more, if the matters are tried by two different courts, there is every likelihood of conflicting decisions based on identical facts.

Therefore, I deem it appropriate to withdraw SC No.289 of 2015 pending on the file of Assistant Sessions Judge, Kamareddy, Nizamabad District and SC Nos.101 and 106 of 2016 pending on the file of Principal Assistant Sessions Judge, Warangal, and transfer the same to the Court of II Additional Metropolitan Sessions Judge, Hyderabad.

Accordingly, these transfer criminal petitions are allowed, withdrawing S.C. No.289 of 2015 pending on the file of Assistant

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Sessions Judge, Kamareddy, Nizamabad District and S.C. Nos.101 and 106 of 2016 pending on the file of Principal Assistant Sessions Judge, Warangal, and transferring the same to the Court of II Additional Metropolitan Sessions Judge, Hyderabad, for disposal in accordance with law. The II Additional Metropolitan Sessions Judge, Hyderabad, is requested to make every endeavour to decide these matters as expeditiously as possible, as the accused is in judicial custody since 07.10.2015. However, it is left open to the II Additional Metropolitan Sessions Judge, Hyderabad, to try all the matters together or independently.

Miscellaneous petitions, if any, pending in these transfer criminal petitions shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 18.11.2016
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