

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL  
TRANSFER CRIMINAL PETITION No.224 of 2016

ORDER:

When this *suo moto* transfer criminal petition is taken up, the following aspects are noticed.

The *de facto* complainant filed a private complaint alleging offences punishable under Sections 420 and 406 IPC against A1 to A5 on the file of the III Additional Judicial Magistrate of First Class, Kakinada, which was numbered as C.C.No.380/2008. On 07.07.2015 the learned Magistrate after hearing both sides passed an order in C.C.No.380/2008 to the effect that the Court at Kakinada has no jurisdiction to try the case and instead the case needs to be transferred to the Court of competent jurisdiction in Guntur. The learned Magistrate addressed a letter to that effect to the Registry of this Court for transferring the said case from Kakinada to Guntur.

In the meantime, A1 to A5 have also filed Tr.CrI.P.No.342/2014 before this Court and this Court by order dated 17.02.2016 disposed of the same, while observing that the *de facto* complainant has preferred a revision before the Sessions Court, questioning the order of the learned Magistrate holding that the Court at Kakinada has no jurisdiction to try the case and therefore, the aggrieved party is at liberty to approach the appropriate Court for further relief as and when any orders are passed by the Registry of this Court or by the Sessions Judge in the pending revision.

As noticed above, against the orders of the learned Magistrate dated 07.07.2015 in C.C.No.380/2008, the *de facto* complainant has

already preferred a revision before the Sessions Judge and when that matter is pending, passing any further orders in this *suo moto* transfer criminal petition will not be proper, more particularly, in view of the specific orders passed by this Court in Tr.Crl.P.No.342/2014 giving liberty to the aggrieved party to challenge the orders that are passed either by the Sessions Judge in the pending revision or by the Registry of this Court on judicial side, if he is so advised.

In that view of the matter, no further orders can be passed in the present *suo moto* transfer criminal petition.

The *suo moto* transfer criminal petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: .09.2016  
Dsr

M.S.K.JAI SWAL,J

