

THE HONOURABLE SRI JUSTICE RAJA ELANGO

TRANSFER CRIMINAL PETITION No.266 OF 2015

ORDER:

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The petitioner-de facto complainant preferred the present Transfer Criminal Petition by invoking the provision under Section 407 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking to transfer CC No.55 of 2015 pending on the file of Special Magistrate, Cyberabad, Rajendranagar to any other Court in the same premises of Rajendranagar court Complex by setting aside the order, dated 31.08.2015, in Tr.Crl.M.P. No.197 of 2015 passed by the II-Additional Metropolitan Sessions Judge, L.B. Nagar. Heard and perused the material available on record.

The petitioner filed Tr.Crl.P. No.197 of 2015 before the II-Additional Metropolitan Sessions Judge, L.B. Nagar to transfer CC No.55 of 2015 pending on the file of Special Magistrate, Cyberabad, Rajendranagar to any other Court in the same premises. The learned Sessions Judge dismissed the said application vide order, dated 31.08.2015.

Learned counsel for the petitioner submitted that the learned Sessions Judge adjourned the matter to 09.09.2015 for filing of counter by the respondent, but before filing of counter by the respondent and without giving any opportunity to the petitioner to argue the matter, the learned Sessions Judge has dismissed the application of the petitioner on 31.08.2015.

Considering the facts and circumstances of the case and also taking into consideration the submission of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The order, dated 31.08.2015, in Tr.Crl.M.P. No.197 of 2015, passed by the II-Additional Metropolitan Sessions Judge, L.B.Nagar, R.R. District is hereby set aside and the matter is remanded and learned Sessions Judge is directed to dispose of the Tr.Crl.M.P. afresh, after hearing both parties.

Accordingly, the Transfer Criminal Petition is disposed of.

Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

April 01, 2016.
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