

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TR.CRIMINAL PETITION No.305 OF 2016

ORDER:

This transfer criminal petition, under Section 407 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to withdraw CrI.R.P. No.109 of 2015 from the file of Principal District and Sessions Judge, West Godavari, Eluru, and transfer the same to this Court, to try along with CrI.R.C.(SR) No.43883 of 2015, on the ground that the learned District Judge passed an adverse order in view of rival claims regarding title to the property involved in the above case.

The Courts are bound to pass an incidental orders like release of property and other orders. Sometimes those orders may go against either of the parties, where the court expresses its opinion regarding the entitlement to such claim, but they will not effect the rights of the parties in final adjudication. Therefore, passing such an adverse order is not a ground to withdraw the revision from the file of Principal District Judge, West Godavari, Eluru and transfer the same to this Court to try along with CrI.R.C. (SR) No.109 of 2015. Strangely the revision preferred before this Court is not yet numbered and it is at pre-registration stage. Making a request to withdraw CrI.R.P.No.109 of 2015 pending before Principal District and Sessions Judge, West Godavari, Eluru, and transfer the same to this Court to try along with unregistered CrI.R.C.(SR) No.43883 of 2015 cannot be entertained, since it is premature one, and it is difficult to accept that the Registry is going to register the criminal petition surely. Therefore, there are no grounds to withdraw CrI.R.P.

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No.109 of 015 pending on the file of Principal District Judge West Godavari District and transfer the same to this Court to try along with CrI.R.C. (SR) No.43883 of 2015 by exercising power under Section 407 Cr.P.C. Hence, the petition is liable to be dismissed.

In the result, the Transfer Criminal Petition is dismissed at the stage of admission.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

Date: 01.12.2016
BV

M. SATYANARAYANA MURTHY, J

