

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No.190 of 2015

ORDER:

This transfer criminal petition, under Section 407 read with 482 of Cr.P.C., is filed to withdraw C.C.No.09 of 2011 pending on the file of III Additional Special Judge for C.B.I. Cases, Hyderabad, and transfer the same to the Metropolitan Sessions Judge, Hyderabad, on the sole ground that the III Additional Special Judge for C.B.I. Cases has no jurisdiction to decide the cases under Prevention of Money Laundering Act, 2002 (for short, 'the Act'), since it is not notified to try the cases under the Act.

Learned counsel for the petitioner also raised several other contentions but during hearing he confined his argument to the competency of the Court to try since III Additional Special Judge was not notified to try the cases under the Act.

The petitioner is the Directorate of Enforcement represented by its Director and filed charge sheet before the Court for various offences including the offence punishable under Section 4 of the Act. But the Special Public Prosecutor for C.B.I. contended that the Court of Principal Special Judge for C.B.I. Cases, Hyderabad, is also designated as a Special

Court for trial of cases under the Act and requested to withdraw and transfer C.C.No.09 of 2011 to the Court of Principal Special Judge for trial of C.B.I. Cases, Hyderabad, and drawn attention of this Court to the notification, dated 05-02-2016 notifying the Principal Special Judge for trial of C.B.I. Cases, Hyderabad to try the cases pertaining to Sessions Division of Hyderabad, Adilabad, Nizamabad, Karimnagar, Medak, Warangal and Khammam, as designated Special Court.

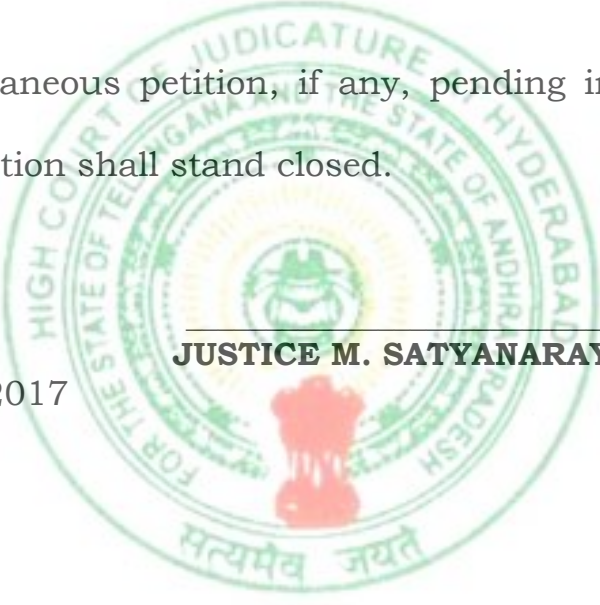
Even otherwise, according to Section 44 (1)(c) of the Act the III Additional Special Judge for trial of C.B.I. Cases is not competent since the offences allegedly committed by the accused is a scheduled offence, therefore, the III Additional Special Judge for trial of C.B.I. Cases is incompetent.

Taking into consideration the facts and circumstances of the case and designation of Principal Special Judge for trial of C.B.I. Cases, Hyderabad by notification, dated 05-02-2016, I deem it appropriate to withdraw C.C.No.09 of 2011 pending on the file of III Additional Special Judge for C.B.I. Cases, Hyderabad, and transfer the same to the Court of Principal Special Judge for trial of CBI Cases, Hyderabad, since the offences allegedly committed within the areas prescribed in column No.5 of notification i.e., Sessions Division of

Hyderabad, Adilabad, Nizamabad, Karimnagar, Medak, Warangal and Khammam.

Accordingly, the Transfer Criminal Petition is allowed withdrawing C.C.No.09 of 2011 pending on the file of III Additional Special Judge for C.B.I. Cases, Hyderabad, and transferring the same to the Court of Principal Special Judge for trial of CBI Cases, Hyderabad to try and decide, in accordance with law.

Miscellaneous petition, if any, pending in the transfer criminal petition shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

August 17, 2017

Pn

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



TRANSFER CRIMINAL PETITION No.190 of 2015

August 17, 2017

Pn