

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CRIMINAL PETITION No.47 OF 2017

ORDER:

The present petition is filed under Section 407 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'). However, the learned counsel for the petitioner requests to treat it as a relief sought under Section 482 of the Cr.P.C. as the provision of Section 407 of the Cr.P.C. is wrongly mentioned. The request of the learned counsel for the petitioner is acceded to and this petition is treated as the one filed under Section 482 of the Cr.P.C.

2. Sri P. V. Sai Krishna, learned counsel for the petitioner, advanced arguments and the sum and substance of the present petition is to withdraw C.C.No.2 of 2014, which is pending on the file of the Metropolitan Sessions Judge-cum-Special Court under the Prevention of Money Laundering Act at Nampally, Hyderabad, and to make over the same to the Court of Principal Sessions Judge for the trial of CBI Cases, Hyderabad, having competent jurisdiction to entertain the case, in terms of Notification issued by the Government of India, dated 05.02.2016.

3. Learned counsel for the petitioner drawn the attention to the Notification, dated 05.02.2016, issued by the Ministry of Finance (Department of Revenue) and S.O.372 (E) by virtue of the powers conferred by sub-section (1) of Section 43 of the Prevention of

Money-laundering Act, 2002 (15 of 2003) and in supersession of the earlier Notification issued by the Government of India. Learned counsel for the petitioner has pointed out Item No.25 therein, which reads thus:

Sl. No.	State or Union Territory	Court of Session designated as Special Court under the Prevention of Money-laundering Act, 2002	Area specified for trial of offence punishable under Section 4 of the Prevention of Money-laundering Act, 2002
25.	Telangana	Court of Metropolitan Sessions Judge, Hyderabad	Sessions Divisions of Hyderabad, Adilabad, Nizamabad, Karimnagar, Medak, Warangal and Khammam
		Court of Metropolitan Sessions Judge, Cyberabad	Sessions Divisions of Cyberabad, Ranga Reddy, Mahabubnagar and Nalgonda.
		Court of Principal Special Judge for trial of CBI Cases, Hyderabad	Sessions Divisions of Hyderabad, Adilabad, Nizamabad, Karimnagar, Medak, Warangal and Khammam

4. Learned counsel would submit that the third horizontal column would show the Court of Principal Special Judge for trial of CBI Cases, Hyderabad, is vested with jurisdiction. But, merely because the Court of Principal Special Judge for trial of CBI Cases, Hyderabad, is also designated as the Court to try the offences under the Prevention of Money Laundering Act, it does not mean that the jurisdiction of the Court of the Metropolitan Sessions Judge, Hyderabad, is ousted. Except this ground, no other grounds are agitated in the affidavit. As the Court of Metropolitan Sessions

Judge, Hyderabad, where the complaint is filed by the respondent, is having jurisdiction, it is not necessary to transfer the case.

5. Accordingly, the transfer criminal petition is dismissed at the admission stage itself.

6. Miscellaneous petitions pending, if any, shall stand closed.

A. SHANKAR NARAYANA, J

27th February 2017

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