

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

TRANSFER CRL. PETITION Nos.208, 210, 211 & 212 OF 2016

COMMON ORDER:

These petitions are filed requesting to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') to withdraw Calendar Case Nos.414, 410, 413 and 412 of 2015 pending on the file of the I-Additional Judicial First Class Magistrate, Proddatur, YSR Kadapa District, respectively, and transfer the same to any other competent Court at Hyderabad.

2. Heard Sri T. Pradyumna Kumar Reddy, learned counsel for the petitioner and Sri G. Ramachandra Reddy, learned counsel for the 1st respondent-*de facto* complainant in all these petitions.

3. Based on the arguments, it is clear that different complainants have filed these petitions against one and the same accused, who is the petitioner herein, alleging the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Originally, when these cases were pending on the file of the III-Additional Chief Metropolitan Magistrate, Hyderabad, in view of the law declared by the Hon'ble Supreme Court in **Dashrath Rupsingh Rathod v. State of Maharashtra**¹ on jurisdictional controversy, these Calendar Cases were automatically stood

¹ (2014) 9 SCC 129

transferred to the I-Additional Judicial First Class Magistrate, Proddatur and the same have been pending for trial. While so, the petitioner herein moved Tr.Crl.P.Nos.69, 72, 67 and 66 of 2016 before this Court requesting the very same relief, which is now made. This Court, by order, dated 11.03.2016, refused to accede to such request, but, however, while disposing of the same, the presence of the petitioner herein before the trial Court was dispensed with except on the dates on which the trial Judge insists for his presence and also a direction was given to the petitioner to be represented through a Counsel before the trial Court on all hearing dates. Similar orders have been filed in all these petitions as per the learned counsel for the petitioner.

4. Learned counsel for the 1st respondent-*de facto* complainant would submit that acceding to the request herein would amount to reviewing the order earlier passed by this Court in the aforesaid Transfer Criminal Petitions. The learned counsel has, ofcourse, has not agreed for somewhat like a gentleman agreement of transferring all these cases to one of the local Courts at Kurnool, which request is made by the learned counsel for the petitioner on the ground that the petitioner is suffering with various ailments, in support of which, a medical certificate issued by Dr.K.Satyanarayana, Registered Medical Practitioner, is annexed to the petition in the material papers.

5. This Court refused to grant such a relief earlier made, and, in case, if the present request is acceded to, certainly, it would amount to reviewing the order passed by this Court earlier, which is forbidden under the provisions of the Code. In such an event, it has to be held that there is no merit in these petitions.

6. Accordingly, all the Transfer Criminal Petitions are dismissed.

7. Miscellaneous Petitions pending, if any, shall stand closed in all these transfer criminal petitions.

10th April 2017

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A. SHANKAR NARAYANA, J

