

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE DR. JUSTICE SHAMEEM AKTHER

Transfer Crl.P.No. 15 of 2017

Between:

M/s. Sigma Cabs Pvt.Ltd.,
Rep. by its Managing Director,
Hyderabad ... Petitioner/Accused

V/s.

P.Jyothsna & Anr. ... Respondents-Respondents

Counsel for the Petitioner : Sri K.Giridhar Raju

Counsel for the Respondents: : Sri V.Ramakrishna Reddy for R-1
Public Prosecutor for R-2

The court made the following: [Order follows]

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

Transfer Crl.P.No. 15 of 2017

ORDER :

Heard both sides and perused the record.

2. This Transfer Criminal Petition is filed to transfer CC.No. 715 of 2014 from the file of the Court of XV-Metropolitan Magistrate, Ranga Reddy district at Medchal to be tried along with C.C.No. 188 of 2016 pending on the file of the Court of XVI-cum-XX-Additional Chief Metropolitan Magistrate, Hyderabad at Erramanzil.

3. The counsel for the petitioners would submit that the petitioner is falsely implicated for the offence punishable under section 138 of Negotiable Instruments Act. The complainant in CC.No. 715 of 2015 on the file of XV Metropolitan Magistrate, Ranga Reddy district at Medchal was filed by Smt.P.Jyothsna, who is represented by her husband – GPA holder, Sri R. Vamsi Krishna. Whereas the CC.No.188 of 2016 pending on the file of XVI-cum-XX-Additional Chief Metropolitan Magistrate, Hyderabad at Erramanzil is filed by Sri R.Vamsi Krishna. As such, the complainant in both the cases are virtually the same and the transactions alleged are same and the evidence to be adduced is almost same and the defence in both the cases is also same. To avoid multiplicity of proceedings, for better adjudication of the cases and to

avoid conflicting judgments, it is very much necessary that both the cases are to be tried by the same court and no prejudice would be caused to the complainant in both the cases.

4. Learned counsel appearing on behalf of the respondent No.1/accused have not disputed the above submissions and conceded that it is appropriate to transfer CC.No.715 of 2015 to XVI-cum-XX-Additional Chief Metropolitan Magistrate, Hyderabad at Erramanzil to be tried along with CC.No.188 of 2016 and he has no objection for the same. It is submitted before this Court that there are two distinct agreements with regard to engagement of 'cab' on hire. One agreement alleged to have been entered by the petitioner and the other by the husband of the petitioner. The wife is being represented by her husband/GPA in CC.No. 715 of 2015.

5. It appears from the record that identical questions are emerging in both the cases. In the facts and circumstances, it is appropriate to have uniformity in the decisions, the CC.No. 715 of 2015 pending on the file of the Court of XV Metropolitan Magistrate, Ranga Reddy at Medchal is withdrawn and transferred to the Court of XVI-cum-XX-Additional Chief Metropolitan Magistrate, Hyderabad at Erramanzil to be tried and dispose of along with CC.No. 188 of 2016.

6. In the result, this Transfer Criminal Petition is allowed.

7. As a sequel, miscellaneous petitions if any, pending in this Transfer

Criminal Petition shall stands disposed of.

DR. JUSTICE SHAMEEM AKTHER



05/10/2017
I s L

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

Transfer Crl.P.No. 15 OF 2017
(ALLOWED)



Date: 05/10/2017
Circulation No. 195
Court Master: I s L