

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Tr.CRL.P.No.153 OF 2011

ORDER:

This transfer criminal petition is filed seeking transfer of C.C.No.52 of 2011 from the file of XIX Additional Chief Metropolitan Magistrate, Cyberabad at L.B.Nagar to the file of III Metropolitan Magistrate, Cyberabad at L.B.Nagar to be tried along with C.C.No.3 of 2011.

The petitioner filed affidavit alleging that the 1st respondent filed the complaint against him for the offences punishable under Section 138 read with 142 of the Negotiable Instruments Act, 1881 for dishonour of cheque bearing No.133404, dated 09.10.2010 for Rs.2,00,000/- drawn on HDFC Bank, Snehapuri Colony, Nacharam Village, Kapra Municipality, Hyderabad. The petitioner stated that the 1st respondent allegedly obtained blank cheques and promissory notes from him and when he insisted for return of those documents, he falsely filed the above case fabricating the said documents and the same is coming up for trial on 28.06.2011. Subsequently, the 1st respondent filed C.C.No.3 of 2011 before the III Metropolitan Magistrate, Cyberabad. Therefore, he prayed for transfer of C.C.No.52 of 2011 from the file of XIX Additional Chief Metropolitan Magistrate, Cyberabad at L.B.Nagar to the file of III Metropolitan Magistrate, Cyberabad at L.B.Nagar to be tried along with C.C.No.3 of 2011.

Heard arguments of learned counsel for the petitioner, the 1st respondent and Additional Public Prosecutor.

Learned counsel for the petitioner submitted that the cause of action and parties in both cases are one and the same and also submitted that the 1st respondent filed the above cases only to harass the petitioner. Therefore, requested for transfer C.C.No.52 of 2011 to the file

of III Metropolitan Magistrate, Cyberabad to try along with C.C.No.3 of 2011.

Learned counsel for the 1st respondent mainly submitted that since the matters pertain to the year 2011, further proceedings in the calendar cases are not known, therefore, sought for dismissal of the petition.

On consideration of the facts and circumstances of the case, it is obvious that the calendar cases pertain to the year 2011 and that subsequent proceedings of those cases are not brought to the notice of this Court. At this length of time, it would be a futile exercise to transfer the case to any one of the Court for trial. Therefore, there are no grounds to consider this petition.

Learned counsel for the petitioner requested the Court to direct the trial Courts to dispose of the matters as expeditiously as possible.

Accordingly, the criminal petition is dismissed. However, the trial Courts are directed to dispose of the calendar cases on their file as expeditiously as possible.

Miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD,J

22.09.2017
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