

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.Nos. 33 AND 159 of 2017

Between:

K. Sunitha & Ors. ... Petitioners

V/s.

The State of Telangana
Rep. by Public Prosecutor,
High Court of Judicature,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner : Sri K. Siddharth Rao

Counsel for the Respondents: : Public Prosecutor

The court made the following: [Order follows]

HONOURABLE DR. JUSTICE SHAMEEM AKTHER**Transfer CrI.P.No. 33 AND 159 of 2017****ORDER :**

Heard the learned counsel for the petitioners in both the Transfer Criminal Petitions and perused the record.

2. These two Transfer Criminal Petitions are filed to withdraw CC.No. 7 of 2001 from the Court of I-Additional Metropolitan Sessions Judge, Hyderabad and transfer the same to the Court of III-Additional Metropolitan Sessions Judge, Hyderabad. The petitioners are accused in CC.No. 7 of 2001 pending on the file of the Court of I-Additional Metropolitan Sessions Judge, Hyderabad. The prayer of the petitioners is to withdraw and transfer the above C.C.No. 7 of 2001 to the Court of III-Additional Metropolitan Sessions Judge, Hyderabad.

3. The contention of the petitioners is that CC.No. 3 of 2002, which relates to A-1 was split up from C.C.No. 7 of 2001 and numbered as CC.No. 3 of 2002, was transferred to the Court of III-Additional Metropolitan Sessions Judge, Hyderabad, as per orders of this Court in Transfer Criminal Petition No. 271 of 2016, dated 24/10/2016.

4. The submission of the counsel for the petitioners is that if C.C.No. 7 of 2001 is withdrawn and transferred to the Court of III-Additional Metropolitan Sessions Judge, Hyderabad and dispose of, there will no inconsistency or conflicting judgments. On the other hand, the learned Public Prosecutor opposed the same. In the course of arguments, it is brought to the notice of this Court that already hundred witnesses examined in CC.No. 7 of 2001 on behalf of the prosecution and the trial in CC.No. 3 of 2002 has not commenced. Since the matter is part-heard and many witnesses are examined, it is appropriate for the court dealing with CC.No. 7 of 2001 to continue the proceedings and dispose of the same in accordance with law. Therefore, it is not appropriate to withdraw and transfer the above C.C.No. 7 of 2001 to the Court of III-Additional Metropolitan Sessions Judge, Hyderabad, as CC.No. 7 of 2001 is of the year 2001, the transfer would further delay in disposing the matter, causes inconvenience to witnesses and some accused who are not parties to this petition. Both criminal cases are pending more than 15 years, therefore, required to be disposed of expeditiously in terms of Section 309 Cr.P.C. The present arrangement would not cause any prejudice to petitioners.

5. In the result, both the Transfer Criminal Petitions are accordingly dismissed at the threshold.

6. As a sequel, miscellaneous petitions if any, pending in these

Transfer Criminal Petitions shall stand disposed of.

DR. JUSTICE SHAMEEM AKTHER



05/10/2017
I s L

HONOURABLE DR. JUSTICE SHAMEEM AKTHER

Transfer Crl.P.No. 33 AND 159 OF 2017
(DISMISSED)



Date: 05/10/2017
Circulation No.197
Court Master: I s L