

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

TRANSFER CRIMINAL PETITION No.331 OF 2011

ORDER

This petition is filed under Section 407 Cr.P.C. to permit the petitioner to withdraw CrI.R.P.No.31 of 2009 from the file of Sessions Judge (Fast Track Court), Nizamabad and transfer the same to this Court to try along with CrI.R.C.No.211 of 2010.

Though notice was served to respondent No.1, none appeared on his behalf.

Heard learned counsel for the petitioner and learned Public Prosecutor.

Learned counsel for the petitioner submits that the petitioner has filed M.C.No.48 of 2004 seeking maintenance against the 1st respondent before the I Additional Judicial Magistrate of First Class, Nizamabad and that Court has granted maintenance of Rs.1,500/- per month *vide* order dated 08.10.2009. Being not satisfied with the same, the petitioner filed CrI.R.C.No.211 of 2010 before this Court and the same was admitted and notice was ordered on 19.03.2010. He further submits that 1st respondent has filed CrI.R.P.No.31 of 2009 challenging the order passed by the I Additional Judicial Magistrate of First Class, Nizamabad and it is pending before the Sessions Judge (Fast Track Court), Nizamabad. He also submits that the subject matter of CrI.R.C.No.211 of 2010 and CrI.R.P.No.31 of 2009 are one and the same and therefore, requested for transfer of CrI.R.P.No.31 of 2009 to this Court to try along with CrI.R.C.No.211 of 2010, which is pending before this Court.

In spite of service of notice on the 1st respondent, none appeared on his behalf. Therefore, it is deemed that there is no protest from the respondent for transfer of the case.

Learned Public Prosecutor submits that it would be convenient, if both the cases are tried together before this Court.

Considering the said submissions of both the counsel, the Transfer Criminal Petition is allowed.

The Miscellaneous Petitions, if any, pending in this Transfer Criminal Petition shall stand closed.

GUDI SEVA SHYAM PRASAD,J

Date : 04.10.2017
ssp

