

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION NO.7002 OF 2011

ORDER:

The Criminal Petition is filed under Section 482 of the Criminal Procedure Code to quash the order dated 02-05-2011 in P.R.No.136 of 2009 on the file of the District Judge, Vizianagaram, invoking the power under Section 408 of the Criminal Procedure Code in transferring C.C.No.57 of 2009 on the file of Additional Judicial Magistrate of First Class, Bobbili to the IX Metropolitan Magistrate, Cyberabad.

2. Heard both sides.

3. It is argued by the learned counsel appearing for the petitioner that the District Judge, Vizianagaram has no jurisdiction under Section 408 of the Criminal Procedure Code to transfer the case from one District to another District. The District Judge is only vests with the power to transfer cases within his District. In so far as the transfer of the cases from one District to other District, it is the power vests under Section 407 (2) of the Criminal procedure Code to the High Court.

4. In view of the legal position as stated by the learned counsel appearing for the petitioner and as fairly accepted by the learned counsel appearing for the respondents, this Criminal Petition is allowed quashing the order dated 02-05-2011 in P.R.No.136 of 2009 on the file of the District Judge, Vizianagaram. However,

liberty is given to the respondent Nos.2 to 4 to agitate their remedies before the appropriate forum in accordance with law. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 06-10-2017
Shr

