

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION NO.245 OF 2017

ORDER:

A letter, dated 19.09.2017, was addressed by the Special Judge for trial of Offences under SCs & STs (POA) Act-cum-VI Addl. Metropolitan Sessions Judge, Secunderabad, to this Court in view of direction issued by the Metropolitan Sessions Judge, Nampally, Hyderabad, for withdrawal of Spl.S.C.No.25 of 2015 pending on the file of VI Addl. Metropolitan Sessions Judge, Secunderabad to I Addl. Metropolitan Sessions Judge, Nampally, Hyderabad.

2. Admittedly, Spl.S.C.25 of 2015 is a part heard case and therefore, the Metropolitan Sessions Judge was declined to withdraw and transfer the same to the Court of I Addl. Metropolitan Sessions Judge, Hyderabad. On the direction of the Metropolitan Sessions Judge, Hyderabad, VI Addl. Metropolitan Sessions Judge, Secunderabad, addressed the above letter to this Court. The letter was taken as a petition on consideration of order in CrI.R.C.No.1596 of 2014, dated 08.04.2015. When the offences under two distinct enactments were committed both under POCSO Act and SCs. & STs. Act, the matter has to be decided by a competent Court. Therefore, in terms of the judgment of this Court in the above CrI.R.C.No.1596 of 2014, this petition has to be allowed.

3. Accordingly, the Transfer Criminal Petition is allowed withdrawing Spl.S.C.No.25 of 2015 on the file of the VI Addl. Metropolitan Sessions Judge, Secunderabad, irrespective of its stage of trial and transferring the same to I Addl. Sessions Judge, Nampally, Hyderabad, for disposal in

accordance with law. Miscellaneous petitions, if any pending, in this Transfer Criminal Petition shall stand closed.

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M.SATYANARAYANA MURTHY, J

DATED: 13-11-2017.

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