

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION No. 239 OF 2017

ORDER:

This petition is filed under Section 407 of the Code of Criminal Procedure to withdraw C.C.No. 417 of 2014 on the file of the Court of Special Mobile Judicial I Class Magistrate at Eluru (for short, 'the trial Court') and transfer the same to the file of the Court of Chief Metropolitan Magistrate, Visakhapatnam.

2. The main ground urged before this Court is that though the trial Court alone was having jurisdiction by the date of filing the complaint, on account of the amendment to Section 142 of the N.I. Act, the petitioner is entitled to file complaint at the place where the cheque is dishonoured by payee bank and therefore prayed to withdraw and transfer the case to the Court at Visakhapatnam. It is further submitted that the petitioner is physically handicapped and resident of Visakhapatnam and therefore, it is difficult for him to appear before the trial Court in connection with trial of the case.

3. Admittedly, the trial is over and the case is coming up for arguments. Therefore, at this stage, appearance of the complainant is not essential. Hence, I find no ground to withdraw C.C.No. 417 of 2014 from the file of the trial Court and transfer the same to the file of the Court of Chief Metropolitan Magistrate, Visakhapatnam. Consequently, the petition is liable to dismissed.

4. The criminal petition is accordingly dismissed. Pending miscellaneous petitions, if any, in this criminal petition shall stand dismissed in consequence.

Date: 12-12-2017.

JSK

M.SATYANARAYANA MURTHY, J.