

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**TRANSFER CRIMINAL PETITION NO. 261 OF 2017****ORDER:**

This Transfer Criminal Petition, under Section 407(2) Cr.P.C., is filed to withdraw C.C.No.36 of 2016 pending on the file of I Special Magistrate, Malkajgiri and transfer the same to any other Court within Cyberabad jurisdiction.

Respondent No.1 filed a private complaint against the petitioner for the offence under Section 138 of NI Act and it is coming on for defence evidence and the evidence of Dw.1 was already recorded by the Magistrate during pendency of this Petition.

The main apprehension of the petitioner is that the Presiding Officer openly declared that whenever a cheque was issued and dishonoured or returned unpaid, the accused shall go to jail and thereby apprehending that no fair trial should be undertaken, no justice will be rendered to this Petitioner.

On the basis of the allegations made by the petitioner, this Court called for the remarks of the Presiding Officer and the gist of remarks of the Presiding Officer is that he never objected the Advocate while cross examining prosecution witnesses in C.C.No.36 of 2016 and never interfered in the cross examination of defence counsel. As per the procedure, the accused are to be given opportunity to place their respective evidences. If at all, this Court refused to give any opportunity to the accused to produce evidence on their behalf, they will definitely take the matter in revision or Appeal. The petitioner obtained several adjournments and when the Court refused to grant adjournments, the present Petition is filed requesting this Court to pass appropriate Orders.

It appears from the record that the petitioner is apprehending that no fair justice should be rendered to this Petitioner and the Presiding Officer is also not granting sufficient time to adduce evidence.

Taking into consideration the facts and circumstances of the case, C.C.No.36 of 2016 pending on the file of I Special Magistrate, Malkajgiri, is withdrawn and transferred to II Special Magistrate, Malkajgiri, which is within the same premises, to try and dispose of the matter, in accordance with law, as expeditiously as possible, and in any event, not later than three months from the date of receipt of a copy of this Order, to wipe out the apprehension in the mind of the petitioner.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 29.12.2017
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HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY



Tr.Crl.P.No.261 of 2017

Dt. 29.12.2017

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