

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

TRANSFER CRIMINAL PETITION Nos. 211 AND 214 OF 2015

COMMON ORDER:

These two petitions are filed by the same petitioner-accused under Section 407 of Cr.P.C. seeking transfer of C.C.No. 9 of 2015 pending on the file of the Court of Judicial I Class Magistrate, Mahaboobnagar (for short, 'JFCM, Mahaboobnagar'), and C.C.No. 1021 of 2015 pending on the file of the Court of XVII Additional Chief Metropolitan Magistrate, Hyderabad (for short, 'XVII ACMM, Hyderabad'), to the file of the Court of XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District, and dispose of the same in accordance with law.

2. As the ground in both the petitions is one and the same, it is expedient to decide both the petitions by common order.

3. The common ground urged in both the petitions is that the petitioner is implicated in 54 calendar cases on the file of different Courts based on a single confession made before investigating officer and if the calendar cases are tried by different Courts, there is every possibility of conflicting decisions.

4. At the hearing, learned counsel for the petitioner has submitted that the calendar cases pending on the file of the Court of XIX Metropolitan Magistrate, Cyberabad, Kukatpally (for short, 'the Court below'), are disposed of but the abovementioned two calendar cases are pending and therefore requested this Court to transfer the two cases to the file of the Court below in order to avoid conflicting decisions. Learned Public Prosecutor (T.S.) has not disputed the same.

5. As seen from the material on record, on the basis of the confession made by the petitioner before investigating officer, charge sheets are filed on the file of different Courts and the basis for filing charge sheets is one

and the same in all the cases and that if the confession is disproved by the petitioner, he is entitled to the benefit of the same in all the matters. Therefore, to avoid conflicting decisions and to meet the ends of justice, I find that it is a fit case to exercise power under Section 407 of Cr.P.C. Accordingly, C.C.No. 9 of 2015 on the file of the Court of JFCM, Mahaboobnagar, and C.C.No. 1021 of 2015 on the file of the Court of XVII ACMM, Hyderabad, are withdrawn and transferred to the file of the Court below and the Court below is directed to decide the same in accordance with law.

6. The transfer criminal petitions are allowed. Pending miscellaneous petitions, if any, shall stand closed in consequence.

03-07-2018.
JSK

M.SATYANARAYANA MURTHY, J.

