

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.7 OF 2018

ORDER:

This petition is filed by the petitioner-accused under Section 407 Cr.P.C. to transfer C.C.No.353 of 2016 on the file of the Junior Civil Judge Court, Sulthanabagh, Karimnagar District to any other competent Court in Hyderabad.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the 2nd respondent along with un-social elements and local officials have been forcing the petitioner to settle the subject matter of the above C.C. and not allowing him to appear before the Court. On an occasion, N.B.W. was issued against the petitioner. It is also alleged that the trial Court supported the 2nd respondent/de facto complainant. There are fair chances in favour of the petitioner to succeed in the above C.C. The petitioner has no alternative except to seek transfer as stated above.

4. On the other hand, learned Assistant Public Prosecution would submit that it is a case relating to the offence punishable under Section 138 of the Negotiable Instruments Act.

5. The point for determination is whether C.C.No.353 of 2016 can be withdrawn from the Junior Civil Judge, Sulthanabagh, Karimnagar District and transferred to any Court in Hyderabad?

6. The allegation is that the 2nd respondent/de facto complainant is pressurizing the petitioner to settle the dispute. In the course of submissions, it has come to light that in view of direction/guidelines given by the Hon'ble Supreme Court with regard to place of institution of case punishable under Section 138 of the Negotiable Instruments Act, this case is transferred to the Court of Junior Civil Judge, Sulthanabagh, Karimnagar District and the same is pending. It has also come to light that the petitioner is a resident of Hyderabad. The petitioner cannot choose the Court of his choice. All contentions raised to seek transfer application appear to be false. The petition is devoid of merits and is liable to be dismissed. In case of any exigency, the petitioner can approach the Police concerned, in such event, the Station House Officer concerned shall take action as per law.

7. With the above observation, the Transfer Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 18-01-2018.

Hsd