

SMT. JUSTICE T. RAJANI

TRANSFER CRIMINAL PETITION No. 51 OF 2018

ORDER :

This Transfer Criminal Petition is filed under section 407 of Cr.P.C., by the petitioner/A-1 seeking transfer of SC.SPL/4/2017, SC.SPL/5/2017 and SC.SPL/6/2017 [Cr.No.190 of 1995 of Chinna chow Police Station, Kadapa, Crime No. 233 of 2015 of Yerraguntla Police Station and Crime No.154 of 2015 of Proddatur III-Town Police Station] on the file of the Court of Special Judge for A.P. Protection of Depositors of Financial Establishments Act, 1999-cum-Principal District and Sessions Judge, Kadapa to the Court of Principal Sessions Judge-cum-Special Court under the A.P. Protection of Depositors of Financial Establishment Act, 1999, Kurnool district.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent/State.

3. The accused is running Educational Institutions at various places under various societies. The allegations are that the institutions collected amounts under the Head of deposits and they fail to repay the amounts even after the students passed out from the institutions.

4. The counsel for the petitioner submits that since the accused is one and the same, if cases are tried separately at various places there will be conflicting judgment. But in the considered

opinion of this Court, the cause of action in each of the complaints depends on different facts and there may be conflicting judgments if the facts are different in each of the cases.

5. Hence, mere consideration that there will be a conflict of judgments cannot be a basis to transfer the cases. The complainants however are different in each of the case. Hence, the balance of convenience is more in favour of the cases being tried at various places than they being tried at one place.

6. Hence, in view of the above, the Transfer Criminal Petition is dismissed.

7. As a sequel, miscellaneous petitions if any, pending in this criminal petition stand disposed of.



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[RESULT : DISMISSED]



Circulation No: 364
Date: 23-08-2018
Court Master : I s L