

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.79 of 2018

ORDER:

This Transfer Criminal Petition is filed under Section 407 Cr.P.C by the petitioner seeking to transfer C.C.No.150 of 2012 from the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad to the Court of III Metropolitan Magistrate, Nampally, where DVC No.60/2014 between the same parties is pending.

2) It is to be noted that C.C.No.150/2012 is a case under Section 498-A IPC and Sections 3 & 4 of D.P.Act.

3) Heard Sri K.Sai Babu, learned counsel for petitioner and Sri L. Ravi Chander, learned Senior Counsel for Sri Deepak Misra, learned counsel for 1st respondent.

4) The submission of learned counsel for petitioner is that for the convenience of the parties i.e, to place both the oral and documentary evidence, it is expedient that both the cases are required to be dealt with by one Court. It would also be easy for the Court to comprehend the issues involved. On this submission learned counsel prays that the C.C.No.150/2012 may be transferred to the Court of III Metropolitan Magistrate, Hyderabad.

5) Learned Senior Counsel for 1st respondent while reporting no objection for transfer of the case from the Court of III Additional Chief Metropolitan Magistrate, Hyderabad to the Court of III Metropolitan

Magistrate, Hyderabad, would, however, submit that both the cases may not be clubbed together for common trial which is not permissible under law in view of the nature of the cases.

6) In view of the fact that in both the cases, parties are almost common and the allegations and defence are more or less similar and also some commonality in the evidence proposed to be adduced, this Court finds force in the request of learned counsel for petitioner. However, as rightly submitted by learned senior counsel for 1st respondent, the clubbing of both the cases together and conducting common trial is not permissible under law.

7) Therefore, this Transfer Criminal Petition is allowed and C.C.No.150 of 2012 now pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, is transferred to the Court of III Metropolitan Magistrate, Nampally, Hyderabad where the DVC No.60/2014 is pending, for conducting a simultaneous trial. It is made clear that the trial in both the cases though would go simultaneously but separately. The Trial Court shall dispose of both the cases on merits expeditiously.

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

U. DURGA PRASAD RAO, J

Date: 17.04.2018.

Note: Issue C.C by tomorrow.

(b/o)

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