

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

TR.CRL.P.No.93 of 2018

ORDER:

In this petition filed under Section 407 of Cr.P.c., the petitioner who is respondent in Criminal Appeal No.105 of 2017 on the file of the VI Additional District and Sessions Judge, Kadapa seeks transfer of the said appeal to the High Court to be decided along with Criminal Appeal No.726 of 2018 pending before this Court.

2. The case of the petitioner is that he filed Calendar Case No.151 of 2014 on the file of the Judicial First Class Magistrate-cum-Special Mobile Court, Kadapa under Section 138 of Negotiable Instruments Act, 1881. The trial Court, after full fledged trial, had acquitted the accused for the offence under Section 138 of Negotiable Instruments Act, 1881, however, convicted him for the offence under Section 420 of IPC. Aggrieved petitioner filed Criminal Appeal No.111 of 2017 on the file of VI Additional District and Sessions Judge, Kadapa and the first respondent herein also filed Criminal Appeal No.105 of 2017 before the same Court. While so, the Criminal Appeal No.111 of 2017 filed by the petitioner was returned to be presented before the High Court, pursuant to the Circular Orders issued by the High Court in Roc.No.7060/OP/Cell/2017, dated 8.12.2017. Accordingly, the petitioner presented the appeal before the High Court and the same was numbered as Criminal Appeal No.726 of 2018. Now the petitioner seeks transfer of other Criminal Appeal No.105 of 2017 filed by the respondent No.1, so as to avoid conflicting Judgments.

3. Learned counsel for the first respondent is present and reported no objection for transfer of Criminal Appeal No.105 of 2017.

4. This Court finds force in the submission of the learned counsel for the petitioner. Both the appeals arose out of the Judgment in C.C.No.151 of 2014 and therefore, to avoid any conflicting Judgments in both the appeals, the cases are required to be decided by one Court.

5. Accordingly, this Transfer Criminal Appeal Petition is allowed and the Criminal Appeal No.105 of 2017 is transferred from the Court of VI Additional District and Sessions Judge, Kadapa to this Court to be decided along with the Criminal Appeal No.726 of 2018.

6. The Registry shall take steps in this regard.

Miscellaneous petitions pending if any, shall stand closed.

Date: 27/12/2018
Slk

U.DURGA PRASAD RAO, J

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO



Date: 27/12/2018

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