

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

**TRANSFER CRIMINAL PETITION Nos.125, 126, 127, 128,
129, 130 and 135 OF 2017**

COMMON ORDER:

These Transfer Criminal Petitions, under Section 407 of the Code of Criminal Procedure, 1973, are filed by the petitioners/accused to withdraw C.C.Nos.208 of 2015 and 44 of 2014 pending on the file of the Judicial Magistrate of First Class, Nakrekal; C.C.Nos.125 of 2015 and 1273 of 2014 pending on the file of the Judicial Magistrate of First Class, Miryalaguda; C.C.No.2 of 2014 pending on the file of the Judicial Magistrate of First Class, Devarakonda; C.C.No.325 of 2014 pending on the file of the Judicial Magistrate of First Class, Suryapet, and C.C.No.447 of 2014 pending on the file of the Judicial Magistrate of First Class, Bhongir, from the file of the court concerned, and transfer the same to the Court of the Judicial First Class Magistrate situated at Nalgonda on the ground that the office of the chit fund company is located in Nalgonda town and it is convenient to the petitioners to put up their defence and submissions.

2. Heard Sri Vedula Venkata Ramana, learned senior counsel appearing for petitioners in all petitions, learned Assistant Public Prosecutor representing the respondent-State, Sri P.Venkanna, learned counsel for respondents 2 to 4 in Transfer Criminal Petition No.129 of 2017 and perused the

record. None appeared for the respondents in other Transfer Criminal Petitions.

3. Learned counsel appearing for respondents 2 to 4 in Transfer Criminal Petition No.129 of 2017 would submit that he has no objection to withdraw and transfer the cases to any Court situated at Suryapet.

4. Learned Assistant Public Prosecutor would submit that there are number of witnesses in this case including the investigating officers, and they have to travel from distant places and it causes inconvenience to them, and ultimately, prayed to dismiss the petitions.

5. In view of the submissions made by both the parties, the point that arises for consideration is whether the request of the petitioners can be acceded to?

6. As per the records, M/s. Sri Venkateshwara Chit Funds Company is a Private Limited Company registered under the Indian Companies Act, 1956 having its registered office at D.No.4-10-638/3, Devarakonda Road, Venkateshwara Complex, Nalgonda Town. The petitioner/A.1 in Tr.Crl.P.No.129 of 2017 is the Managing Director and the other accused are Directors of the said company. Number of complaints were filed against the above Chit Fund Company stating that the Company failed to pay the bid amounts, etc.. On reports lodged to the police, number of criminal cases were registered, all for the offence

punishable under Section 420 IPC, and thereafter, charge sheets were filed, and those cases are numbered as Calendar Cases, and these Calendar Cases are pending before different Courts in Nalgonda District.

7. Admittedly, all the above Calendar Cases are pending before different Courts in Nalgonda District. The petitioners are accused in the said cases. The allegations made in all the cases are similar and the petitioners are being prosecuted for the offence punishable under Section 420 IPC. The defence set up on behalf of the petitioners/accused is said to be one and the same in all the cases. It appears from the record that the document relied on by both the sides in all the cases have similar averments. Moreover, the specific allegation is that the petitioners/accused No.1, being the Managing Director, and the other accused being Directors, of M/s. Sri Venkateshwara Chit Funds Company, which is a Private Limited Company, did not pay money to its prized subscribers, etc., and due to non-payment of money to members of chits, these cases have come up. If all the cases are dealt with, by different courts, there is possibility of getting conflicting decisions. If all the cases are transferred to one Court, it would be easy for the Court to understand the *lis*, appreciate the documents filed on behalf of both sides and the oral evidence adduced by both the parties, and there would be consistency in the outcome of the criminal cases. Though it is inconvenient to some of the parties to the *lis*, for proper appreciation of the facts and circumstances, to

expedite the proceedings, to have consistency in the outcome and in the interest of justice, it is appropriate to consider the request of the petitioners to transfer all the above Calendar Cases to one Court for trial and disposal.

8. Learned counsel for the respondents in Tr. CrI.P.No.129 of 2017 would submit that the Court of the Judicial First Class Magistrate, Suryapet is centrally located and it would be convenient to the parties.

9. Under these circumstances, C.C.Nos.208 of 2015 and 44 of 2014 pending on the file of the Judicial Magistrate of First Class, Nakrekal; C.C. Nos.125 of 2015 and 1273 of 2014 pending on the file of the Judicial Magistrate of First Class, Miryalaguda; C.C. No.2 of 2014 pending on the file of the Judicial Magistrate of First Class, Devarakonda, and C.C. No.447 of 2014 pending on the file of the Judicial Magistrate of First Class, Bhongir, are withdrawn from the file of the Courts concerned and transferred to the Court of Judicial First Class Magistrate, Suryapet, for disposal in accordance with law. The Transfer Criminal Petitions are ordered accordingly.

Pending Miscellaneous Petitions, if any, in the Transfer Criminal Petitions shall stand closed.

Dr. SHAMEEM AKTHER, J

Date : 13.03.2018
ssp