

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Tr.Criminal Petition Nos.299 and 300 of 2016

COMMON ORDER :

The petitioner is the accused in both the cases C.C.No.500 of 2016(Tr.Crl.P.No.299 of 2016) on the file of the Judl. Magistrate of First Class, (for short, 'the JFCM') Kovvur, West Godavari district, outcome of Cr.Nos. 123 and 124 of 2016 of Devarapalli Police Station registered for the offences punishable under Section 417 and 420 IPC. The Police after investigation filed final report that was taken cognizance and for that said two crimes by the single CC supra. The other case C.C.No.470 of 2016 (Tr.Crl.P.No.300 of 2016) is pending on the file of the JFCM, Tadepalligudem outcome of Cr.No.79 of 2016 Anantapalli Police Station registered for the offence punishable under Section 420IPC.

On perusal of the two charge sheets shows, in C.C.No.500 of 2016, there, other than Investigating Officer, 12 witnesses from Tallapudi and Devarapalli Mandal of West Godavari, including the then learned Judl. Magistrate of First Class, Rajahmundry, in C.C.No.470 of 2016 from the police final report cited 9 witnesses including the Investigating Officers L.Ws. 8 and 9 and L.Ws. 1 to 7 are from Devarapalli and Tadepalligudem mandal respectively. In both the transfer petitions notices were sent to the defacto-complainant-2nd respondent in C.C.No.470 of 2016 and the defacto-complainants-respondents 2 and 3 in C.C.No.500 of 2016 but they did not choose to appear though service held sufficient.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the 1st respondent and perused the material on record.

The main grievance according to the petitioner in both the cases is that he is apprehending danger to his person and property from J.Venkaiah and his wife Sunitha particularly at Kovvur and there is also civil litigation including O.S.No.13 of 2014 on the file of the Addl.District Judge, Narsapur, and it is also the say that the offences are similar and within one year that cause registered in giving report from different police stations by them to prevent the advantage of claiming benefit of Section 219 CrPC and thereby both the C.Cs. are to be tried before the same Court rather than before different courts.

The learned Public Prosecutor also submitted from the enquiry with police that it is convenient for all the witnesses if both the cases are transferred to the JFCM, Nidadavolu which is nearer when compared to kovvur and Tadepalligudem, for simultaneously trial of both the cases.

Having regard to the above, both the Tr.Criminal Petitions are allowed by withdrawing both the cases from the files of the JFCM, Kovvur and Tadepalligudem, and transferred to the Court of JFCM, Nidadavolu. The accused is directed to appear before the JFCM, Nidadavolu on 03.12.2018 and appear thereafter on the dates being fixed and the learned Public Prosecutor to instruct the SHO to inform the respective defacto-complainants as the cases are transferred to the learned JFCM, Nidadavolu for simultaneous trial. Pending miscellaneous petitions, if any, shall stand closed.

Date:06.11.2018
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Dr. B.SIVA SANKARA RAO J,