

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CRIMINAL PETITION No.173 of 2013

ORDER:

This is an application seeking transfer of C.C.No.294 of 2008 filed by respondent No.1 before the learned IV Additional Chief Metropolitan Magistrate, Visakhapatnam, against petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, to the Court of X Metropolitan Magistrate, Secunderabad.

2. Perusing the copy of the said complaint and the grounds raised in this application for transfer and hearing the learned counsel for the parties, it is noted that the grounds raised for transfer are vehemently the defence that the accused proposes to set up to the complaint. The version given in this application for transfer cannot be accepted for reasons more than one. The cause of action, as pleaded by the complainant in his complaint, would show that it is at Visakhapatnam. The alternative story built up by the accused through this application for transfer does not inspire confidence, much less, to hold that any ground for transfer of case has been made out to have the case transferred from Visakhapatnam to Secunderabad.

3. In the result, this Transfer Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

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THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 06.12.2018

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