

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Tr.Crl.P.No.146 of 2018

ORDER

This petition is filed under Section 407 Cr.P.C., to withdraw C.C.No.334 of 2012 pending on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, to the Judicial Magistrate of First Class at Sompeta, Srikakulam District, on the sole ground that the petitioner and the first respondent are residing at Mandasa Mandal, within the jurisdictional limits of Judicial Magistrate of First Class, Sompeta, Srikakulam District, and no part of cause of action arose within the jurisdiction of XIII Additional Chief Metropolitan Magistrate, Nampally and thus, the Court at Hyderabad lacks territorial jurisdiction to decide the said C.C.

2. The complaint was filed as early as in the year 2012, since then, it is pending before the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, and for the first time, the issue of jurisdiction is raised before this Court based on the allegations made in the complaint. In view of the specific ground raised by the petitioner at the belated stage, this Court cannot decide such issue based on the material available on record. However, the XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, is directed to decide the territorial jurisdiction and if, for any reason, no part of cause of action arose within the jurisdictional limits of the said Court, the Magistrate is directed to pass appropriate orders returning the case exercising power under Section 201 of Cr.P.C.

3. With the above direction, the Transfer Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

5th July, 2018

Note:
Issue CC in one week.
sj

