

SMT. JUSTICE T. RAJANI

TRANSFER CRIMINAL PETITION No. 163 OF 2018

ORDER :

This Transfer Criminal Petition is filed under section 407 of Cr.P.C., by the petitioner/A-1 seeking transfer of S.C.No. 403 of 2017 on the file of the Court of Special Judge for A.P. Protection of Depositors of Financial Establishment Act, 1999-cum-Principal District and Sessions Judge, Ananthapur to the Court of Principal Sessions Judge, Kurnool.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent/State.

3. The accused is running Educational Institutions at various places under various societies. The allegations are that the institutions collected amounts under the Head of deposits and they fail to repay the amounts even after the students passed out from the institutions.

4. The counsel for the petitioner submits that since the accused is one and the same, if cases are tried separately at various places there will be conflicting judgment. But in the considered opinion of this Court, the cause of action in each of the complaints depends on different facts and there may be conflicting judgments if the facts are different in each of the cases.

5. Hence, mere consideration that there will be a conflict of judgments cannot be a base to transfer the cases. The

complainants however are different in each of the case. Hence, the balance of convenience is more in favour of the cases being tried at various places than they being tried at one place.

6. Hence, in view of the above, the Transfer Criminal Petition is dismissed.

7. As a sequel, miscellaneous petitions if any, pending in this criminal petition stand disposed of.

JUSTICE T. RAJANI



23-08-2018
I s L

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TRANSFER CRIMINAL PETITION No. 163 OF 2018
[RESULT : DISMISSED]



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