

HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

TRANSFER CRIMINAL PETITION No.1 of 2015

ORDER:

This is an application seeking transfer of C.C.No.1144 of 2013, registered on the basis of a complaint filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act'), pending on the file of the Judicial Magistrate of First Class, Kurnool, to the competent Metropolitan Magistrate, Nampally, Hyderabad.

2. Heard.

3. The plea of the petitioner is that the Court of first instance did not have jurisdiction to entertain and try the allegation regarding the commission of offence punishable under Section 138 of the Act having regard to the identity of the payee Bank and the drawer Bank. However, hearing the learned counsel for the parties, it is noticed that with the passage of time, law has changed by amendment, with the insertion of Section 142A to the Act, whereby the place of the payee bank would also fall within the territorial jurisdiction.

4. The next plea is that while granting bail, the trial Court directed the petitioner to furnish two solvent sureties to the extent of Rs.2,00,000/- each though the instrument is for an amount of Rs.14,00,000/-.

5. If onerous conditions are imposed through the bail orders, or if the bail orders are illegal, those are matters to be adjudicated in appropriate superior jurisdiction by challenging the bail orders. That cannot be the foundation at the hands of the jurisdictional officer. However, the fact in the matter remains that from 19.01.2015, all further proceedings including

appearance of the accused in the C.C. are stayed by the interlocutory order of this Court.

6. For the aforesaid reasons, there are no sustainable grounds to order the transfer of case as sought for.

7. The Transfer Criminal Petition fails and the same is accordingly dismissed.

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

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THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 14.12.2018

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