

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CRL.P.No.174 OF 2018

ORDER:

This transfer criminal petition is filed under Section 407 Cr.P.C with a request to withdraw C.C.No.561 of 2016 and C.F.No.7339 of 2015, pending on the file of III Metropolitan Magistrate, Vijayawada and transfer the same to the Court of Chief Metropolitan Magistrate, Vijayawada, Krishna District.

It is alleged that the charge sheet was filed by the police against the 1st respondent for various offences and that the petitioner also filed private complaint before the Chief Metropolitan Magistrate and the same was numbered as C.F.No.7339 of 2015 and made over to III Metropolitan Magistrate, Vijayawada.

The present petition is filed on the ground that the III Metropolitan Magistrate lacks territorial jurisdiction as the entire incident took place within the limits of Chief Metropolitan Magistrate only, in view of the sworn statement recorded at the time of taking cognizance in C.F.No.7339 of 2015.

The question of jurisdiction will arise only for filing complaint and by exercising power under Section 408 Cr.P.C. either on administrative ground or on application of any of the party, the Metropolitan Sessions Judge can exercise its power and jurisdiction will not come in the way of deciding the matter since it was transferred on administrative grounds. Therefore, on the ground of lack of territorial jurisdiction to try C.C.No.561 of 2016 and C.F.No.7339 of 2015 before the III Metropolitan Magistrate, Vijayawada, this Court cannot withdraw from III Metropolitan Magistrate and transfer the cases to the Chief Metropolitan

Magistrate. Therefore, I find no grounds in this transfer criminal petition.

Accordingly, the transfer criminal petition is dismissed.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

14.08.2018
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