

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Tr.CrI.P. No.225 OF 2018

ORDER:

This petition is filed under Section 407 Cr.P.C. to withdraw C.C.No.326 of 2017, pending on the file of IV Special Magistrate, Kukatpally at Miyapur and transfer the same to XXIV Special Magistrate, Erramanzil, Hyderabad.

The petitioners contended that C.C.No.415 of 2017, pending on the file of XXIV Special Magistrate, Erramanzil Hyderabad and C.C.No.326 of 2017 pending on the file of IV Special Magistrate Kukatpally at Miyapur are between the same parties for the offence punishable under Section 138 of the Negotiable Instruments Act and that the defence set up by the petitioners also identical and that in case these two cases are disposed of by two different Courts, there is every possibility of conflicting decisions and to avoid such conflicting decision, the petitioners sought withdrawal of C.C.No.326 of 2017, pending on the file of IV Special Magistrate, Kukatpally at Miyapur and transfer the same to XXIV Special Magistrate, Erramanzil, Hyderabad

During hearing, learned counsel for the petitioners reiterated the above contentions.

C.C.No.326 of 2016 is filed by M/s Ronda Infracture Pvt. Ltd against M/s Variegate Projects Private Limited and G.L.Siva Reddy, for the offence punishable under Section 138 of the Act, whereas, the other complaint was also filed by the same complainant against the same petitioners, for the same offence, but the defence set up by the petitioners in both the cases is not known, though the petitioners contended that the defence is identical. In C.C.No.415 of 2017, entire trial was completed and posted for examination of the accused under Section 313 Cr.P.C., whereas,

trial in C.C.No.326 of 2017 is in the mid way. The petitioners having kept quite for the last two years, approached this Court for withdrawal and transfer on the ground of avoidance of conflicting judgment to delay the calendar case ripe for disposal. Therefore, at this stage, this Court cannot exercise power under Section 407 Cr.P.C. and consequently, the transfer criminal petition is liable to be dismissed.

In the result, the transfer criminal petition is dismissed.

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

10.10.2018
kvrm



M.SATYANARAYANA MURTHY,J