

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

TRANSFER CRIMINAL PETITION No.57 of 2019

ORDER:

This Petition is filed under Section 407 of the Code of Civil Procedure to withdraw C.C.No.341 of 2016 pending on the file of the Judicial First Class Magistrate, Chennur, Adilabad District, and transfer the same to the Court of X Additional Chief Metropolitan Magistrate, Secunderabad, to be tried along with C.C.No.198 of 2016. Both the cases are filed by respondent No.1 against the petitioner.

It is the case of the petitioner that he purchased fuel from respondent No.1, who was running a Petrol Bunk on credit basis and for discharge of the liabilities arising out of the said purchases, cheques have been issued by him and as the same were unpaid, respondent No.1 initiated proceedings under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner submits that the parties in both the cases are one and the same and the cause of action is arising on account of the continuous business transaction. As such, he prayed that both the cases be tried together.

Heard learned Public Prosecutor appearing for respondent No.2.

It may be noted that the cause of action for filing C.C.No.198 of 2016 (old C.C.No.612 of 2014) had arisen in 2014 on account of the alleged complaint dated 21.06.2014 lodged by respondent No.1 for dishonour of cheque bearing No.000024, dated 14.05.2014,

drawn on Karur Vysya Bank Limited, Kodad, Nalgonda District. Whereas, C.C.No.341 of 2016 came to be filed on account of dishonour of cheque bearing No.127998, dated 18.07.2016 drawn on State Bank of Hyderabad, Huzurnagar X Roads, Kodad Branch. As can be seen from both the complaints, the cause of action had arisen at different points of time and the cheques drawn on different banks came to be dishonoured. The respective Bank Managers have to be examined, which would not be possible in the case of conducting a common trial, as there is no common cause of action. It may be noted that the complainant is a resident of Chennur and the petitioner is a resident of Kodad, Nalgonda District. Merely because the accused and the complainant are same in both the cases, this petition cannot be ordered. In those circumstances, this petition does not deserve consideration.

Hence, the Tr.Crl.P. is dismissed.

Consequently, miscellaneous applications, if any shall stand dismissed.

CHALLA KODANDA RAM, J

Dt:01.07.2019

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