

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

TRANSFER CRIMINAL PETITION No.58 of 2019

ORDER:

This Petition is filed under Section 407 of the Code of Civil Procedure to withdraw C.C.No.342 of 2016 pending on the file of the Judicial First Class Magistrate, Chennur, Adilabad District and C.C.No.249 of 2016 pending on the file of XIX Special Magistrate at Erramanzil and transfer both the cases to the Court of X Additional Chief Metropolitan Magistrate, Secunderabad, to be tried along with C.C.No.195 of 2016. All the three cases are filed 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 all 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 all the three 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.195 of 2016 (old C.C.No.608 of 2014) had arisen in 2014 on account of the complaint lodged by respondent No.1 for dishonour of cheque

bearing No.159743, dated 14.05.2014, drawn on State Bank of Hyderabad, Kodad, Nalgonda District. Whereas, C.C.Nos.249 and 342 of 2016 came to be filed on account of dishonour of cheque bearing Nos.026567, dated 14.05.2014 drawn on Industrial Bank Limited, Kodad, Nalgonda District and cheque bearing No.609007, dated 18.07.2016, drawn on State Bank of India, Huzurnagar X Road, Kodad Branch, respectively. As can be seen from 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 all the aforesaid 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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