

HONOURABLE JUSTICE G. SRI DEVI
TRANSFER CRIMINAL PETITION No.4 of 2020

ORDER:

This petition is filed under Section 407 of Cr.P.C., to withdraw and transfer S.C.No.9 of 2016 pending on the file of the I Additional District and Sessions Judge, Khammam, to the file of Judicial First Class Magistrate, Sathupally, Khammam District.

2. Heard learned counsel for the petitioners/A1 to A3 and learned Additional Public Prosecutor for the respondent-State.

3. In the present case, the petitioners/A1 to A3 were charged for the offences under Sections 20(b)(ii), 8(c) of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), on the ground that they were found in possession of total 1½ kg of dry ganja. The offences under NDPS Act, are triable by a Special Court established under this Act and cannot be tried by Judicial Magistrate Court. However, for the offence of recovery of ganja up to 1 kg, Magistrate is empowered to try the case as summary trial and he is not empowered to try the cases beyond 1 kg of ganja. Since the quantity of ganja in the present case is 1½ kg, the prayer of the petitioner cannot be granted.

4. Hence, the Transfer Criminal Petition is dismissed.

5. Miscellaneous applications, if any pending in this petition, shall stand dismissed.

G. SRI DEVI, J

5th February, 2020
sj