

THE HONOURABLE JUSTICE G. SRI DEVI
TRANSFER CRIMINAL PETITION No.59 of 2019

ORDER:

This petition under Section 407 Cr.P.C. is filed by petitioner to withdraw Crl.A.No.56 of 2018 from the file of the District and Sessions Judge, Nizamabad, and transfer the same to the District and Sessions Judge, Kamareddy, to be heard along with Crl.A.No.81 of 2018.

2. The petitioner-husband states that his wife and son i.e., respondent Nos.1 and 2, have filed D.V.C.No.3 of 2007 on the file of Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Special (Mobile), Kamareddy, against him, and the same was partly allowed vide order dated 27.09.2017. Aggrieved by the same, he preferred appeal vide Crl.A.No.56 of 2018 on the file of the District and Sessions Judge at Nizamabad, and respondent Nos.1 and 2 also preferred appeal vide Crl.A.No.81 of 2018 on the file of the District and Sessions Judge at Kamareddy. He further states that if two criminal appeals are simultaneously being heard by two different Courts, there is every possibility of passing of conflicting judgments and as such, he seeks to withdraw and transfer the appeal filed by him to be heard along with the appeal filed by respondent Nos.1 and 2.

3. Learned counsel for the petitioner submits that since both the appeals are filed against the same order passed in D.V.C.No.3 of 2007, if the appeal filed by petitioner is transferred to the Court of the District and Sessions Judge at Kamareddy, to be heard along with

the appeal filed by respondents No.1 and 2, there will be no objection to the respondents.

4. Having regard to the facts and circumstances and since the question of fact and law are involved in both the appeals are one and the same and if they are decided by different Courts, there is every likelihood of passing of conflicting findings, which would cause grave prejudice to the petitioner. Therefore, for the sake of convenience, if Crl.A.No.56 of 2018 on the file of the District and Sessions Judge, Nizamabad, filed by petitioner-husband, is withdrawn and transferred to the file of the District and Sessions Judge at Kamareddy, to be heard along with Crl.A.No.81 of 2018, filed by respondent Nos.1 and 2, no prejudice would be caused to both parties.

5. Accordingly, the Transfer Criminal Petition is allowed and Crl.A.No.56 of 2018 is withdrawn from the Court of the District and Sessions Judge, Nizamabad, and transferred to the Court of the District and Sessions Judge at Kamareddy, to be heard along with Crl.A.No.81 of 2018.

6. Miscellaneous applications, if any pending in this petition, shall stand closed.

JUSTICE G.SRI DEVI

10th November, 2021.

sj