Orders reserved on 25-02-2026
Orders pronounced on 09-03-2026
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APHC010024442026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 5/2026

Between:

Bommarillu Farms And Villas India Ltd and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh **...RESPONDENT**

Counsel for the Petitioner(S):

1. R SIVA SAI SWARUP

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

APHC010026762026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 6/2026

Between:

Bommarillu Farms And Villas India Ltd., and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh **...RESPONDENT**

Counsel for the Petitioner(S):

1. R SIVA SAI SWARUP

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

APHC010028932026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 7/2026

Between:

Bommarillu Farms And Villas India Ltd and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh **...RESPONDENT**

Counsel for the Petitioner(S):

1. R SIVA SAI SWARUP

Counsel for the Respondent:

1. PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

Transfer Criminal Petition Nos. 5 to 7 of 2026, under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, ' the B.N.S.S.'), are filed by the petitioners-accused Nos. 1 to 3 and 6 seeking to withdraw C.C.Nos. 1 to 3 of 2018 respectively from the file of the Court of learned Special Judge to try the cases under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 – cum – Principal District and Sessions Judge, Srikakulam, and transfer the same to the file of the Court of learned Special Judge to try the cases under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 – cum – Metropolitan Sessions Judge – cum – I Additional District and Sessions Judge, Visakhapatnam, to be tried along with C.C.No. 36 of 2017.

2. Since all the transfer criminal petitions are filed by the same petitioners and the issues involved in all the transfer criminal petitions are also one and the same, the same are being disposed of by way of this common order.

3. The case of the petitioners, in brief, is as follows:

Petitioner No. 4 herein-accused No. 6 is the Director of petitioner Nos. 1 to 3-accused Nos. 1 to 3 companies and her husband by name Rayala Raja Rao-accused No. 5 is the Managing

Director of petitioner Nos. 1 to 3-accused Nos. 1 to 3 companies. If cases are registered by the same prosecution agency in different places within the State on the very same subject matter on the same accused, as per the procedure of law, all the cases must be clubbed with the one registration of a case and to conduct common trial to avoid any conflict of judgments in the interest of both parties. All the petitioners herein are residing at Hyderabad and it is very much difficult to move from Hyderabad to attend all the way to Srikakulam. There is also transportation problem as there are no direct trains to Srikakulam. If multiple FIRs arise from the same transaction or incident, they should be clubbed and tried together to prevent conflicting outcomes. All cases are to be tried together before learned Special Judge, Visakhapatnam, only along with the other connected matter. The Honourable Apex Court held that consolidation or transfer of criminal cases involving the same offence by the same accused in different locations for joint trial to avoid conflicting judgments, ensure fairness and prevent multiplicity by clubbing FIRs or cases from the same transaction under Section 223 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') by invoking power under Section 407 of the Cr.P.C. Investigation made by the CID in all the cases is one and the same. Likewise, if any document is to be filed by the accused in the above related cases and if it is filed in one Court and the same is to be filed in another case in another Court, it would be very much difficult to the accused to obtain the said document in other Court. Hence, if all cases mentioned above are tried in one place and in one common Court, it would be in the interest of both the parties and very much convenient to conduct proceedings without any further delay.

4. Respondent No. 1-State, represented by its Special Public Prosecutor for CID, filed counter affidavit. The brief averments in the counter affidavit filed by respondent No. 1 are as follows:

One Rayala Raja Rao-accused No. 5 established accused No. 1 company in the name and style of "Bommarillu Farms and Villas India Limited" in the year 2011, accused No. 2 company in the name and style of "Bommarillu Foods and Consumer Products Limited" in the year 2011 and accused No. 3 company in the name and style of "Bommarillu Constructions Private Limited" in the year 2011 in Srinagar Colony at Hyderabad and the same were registered with the Registrar of Companies, Hyderabad. All the accused collected deposits from general public by way of periodical installments promising repayment at a higher rate of interest at the time of maturity or register of a piece of land/plot in the name of the depositor. The accused introduced various schemes to attract the public with an intention to cheat them and also established various branches in Andhra Pradesh, Telangana and Odisha States.

The company purchased lands/plots for cheaper rates from farmers at different places with the money of the depositors. The company used to collect deposits as advances for purchase of plots/lands by issuing receipts in the name of accused No. 1 company and failed to register a piece of land in the name of the customers and thereby cheated the customers. During the process, the Directors along with their company employees-accused Nos. 8 to 14 colluded and collected crores of rupees from innocent depositors by way of periodical installments promising payment at higher rate of interest at the time of maturity or register a piece of land/plot in the name of depositors and acquired Ac. 197.00 cents and 27,040 square yards of site at various places and formed layouts and also acquired other movable properties. All the above accused dishonestly induced the innocent public to make deposits in the unscrupulous financial establishment with false promise of high rate of interest or register piece of land in their names and collected huge deposits. On maturity, when the depositors asked for return of their investments or registration of lands, they wind up their business without payment and thereby cheated the innocent depositors. The depositors filed reports against the petitioners and other accused in their respective police stations and the same were transferred to Crime Investigation Department, Andhra Pradesh.

The Investigation Officer identified several movable and immovable properties registered in the name of accused No. 1. The accused are not in a position to return the deposits to the public who invested their hard-earned money in the company expecting higher rate of interest. Each case has its own distinct set of victims/depositors, complaint, place of occurrence and amounts involved and an independent cause of action. The assertion that as per procedure of law, all the cases must be clubbed with the first case is legally untenable and contrary to the scheme of the B.N.S.S.

While the broad business mode of accused No. 1 company and allied entities is common, each depositor's grievance is rooted in a particular branch, particular representations, particular dates of deposits and defaults and is therefore a distinct offence has to be tried by the Court within whose jurisdiction that branch functioned.

On 09-04-2019, learned Special Judge, Visakhapatnam, discharged the accused for the charge under Section 5 of the Act and the case was taken on file for the other offences *vide* C.C.No. 36 of 2017. Aggrieved by the orders passed by learned Special Judge, Visakhapatnam, in C.C.No. 36 of 2017, the Additional Director General of Police, CID, AP, Mangalagiri, has preferred an appeal *vide* Criminal Appeal No. 235 of 2021 before this Court and the same is pending. Transfer of a criminal case from one Court to another is an extraordinary step to be taken sparingly only when it is expedient for the ends of justice, typically to ensure a fair trial or address reasonable apprehension of bias or undue influence. Mere convenience of the accused or the existence of another connected case in a different Court is not sufficient. Inconvenience to victims, delay already caused and the stage of trial are relevant considerations weighing against transfer. There is no material to show any reasonable apprehension of bias or failure of justice before learned Special Judge at Srikakulam so as to warrant transfer. On the other hand, transfer would severely prejudice the depositors of Srikakulam District who would face serious hardship in attending a distant Court at Visakhapatnam.

5. Heard Sri R.Siva Sai Swarup, learned counsel appearing for the petitioners-accused Nos. 1 to 3 and 6, and Sri Neelotpal Ganji, learned Special Assistant Public Prosecutor for CID.

6. The petitioners are accused in C.C.Nos. 1 to 3 of 2018 on the file of the Court of learned Special Judge, Srikakulam. A charge sheet has been filed against the total accused persons, out of which four accused persons filed the instant transfer criminal petitions. The petitioners herein have sought the relief of transfer of C.C.Nos. 1 to 3 of 2018 from the file of the Court of learned Special Judge,

Srikakulam, to the file of the Court of learned Special Judge, Visakhapatnam, to be tried along with C.C.No. 36 of 2017.

7. It is contended by learned Special Assistant Public Prosecutor for CID that four charge sheets have been filed against the petitioners herein and other accused before learned Special Judge, Srikakulam, one charge sheet is filed before learned Special Judge, Vizianagaram, one charge sheet is filed before learned Principal District and Sessions Judge, Krishna at Machilipatnam, and one charge sheet is filed before learned Special Judge at Visakhapatnam. Total seven cases are pending against the petitioners. No transfer application has been filed in respect of the case pending before learned Special Judge, Vizianagaram. Learned Special Assistant Public Prosecutor would further contend that learned Special Judge, Visakhapatnam, discharged the accused in C.C.No. 36 of 2017 for the charge under Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (for short, 'the Act'), and that therefore, all the aforesaid three cases, against which the present transfer criminal petitions are fled, cannot be transferred to learned Special Judge, Visakhapatnam. Learned counsel for the petitioners fairly conceded that the petitioners and other accused in C.C.No. 36 of 2017 were discharged for the charge under Section 5 of the Act, against which

Criminal Appeal No. 235 of 2021 is filed by the State which is pending before this Court. Therefore, it is evident that as on today, there is no charge of Section 5 of the Act is pending against the petitioners before learned Special Judge, Visakhapatnam.

8. As stated *supra*, the petitioners herein are seeking transfer of C.C.Nos. 1 to 3 of 2018 from the file of the Court of learned Special Judge, Srikakulam, to the file of the Court of learned Special Judge, Visakhapatnam, to be tried along with C.C.No. 36 of 2017. It is undisputed by both sides that the petitioners and the other accused in C.C.No. 36 of 2017 were discharged by learned Special Judge, Visakhapatnam, for the charge under Section 5 of the Act. In all other cases, which are pending against the petitioners before learned Special Judge, Srikakulam, the petitioners herein and the other accused were charged with the offence punishable under Section 5 of the Act. Therefore, it is evident that all the three cases, namely; C.C.Nos. 1 to 3 of 2018 on the file of the Court of learned Special Judge, Srikakulam, cannot be tried together with C.C.No. 36 of 2017 which is now pending on the file of the Court of learned Special Judge, Visakhapatnam. The petitioners are involved in the offence punishable under Section 5 of the Act in addition to other offences under the Indian Penal Code in all other cases except C.C.No. 36 of 2017, wherein the petitioners were discharged for the

charge under Section 5 of the Act. Moreover, the alleged offences in C.C.Nos. 1 to 3 of 2018 are occurred within the territorial jurisdiction of learned Special Judge, Srikakulam. Therefore, all the aforesaid cases cannot be tried in view of the nature of the offences.

9. Learned counsel for the petitioners-accused Nos. 1 to 3 and 6 has placed reliance on the judgment of the Honourable Apex Court rendered in ***Odela Satyam and another Vs. State of Telangana and others***[1]. The facts in the aforesaid case are relating to a writ petition filed by the petitioners for clubbing of FIRs filed in various States and also for clubbing of future FIRs to be filed against the firm, its partners and management officials and the case for clubbing of such FIRs is projected on the ground that multiple FIRs have been lodged on the very same cause of action in the State of Telangana, where the maximum number of crimes were registered, that too by the Economic Offences Wing, Cyberabad. Therefore, the facts and circumstances in the aforesaid case law relied upon by learned counsel for the petitioners are different to the facts and circumstances of the instant case. In the aforesaid case law, the Hon'ble Apex Court held at para Nos. 10 and 13 as under:

> *"10. We have to also notice Section 242 of Bharatiya Nagarik Suraksha Sanhita, 2023, which enables offences of same kind within a year to be charged together. Section 242 provides that when a person*

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is accused of more offences than one, of the same kind, committed within the space of twelve months, from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for any number of them not exceeding five.

13. It is made clear that if and when the trial commences, witnesses from the prosecution, if travelling from the police station limits in which the FIR was originally registered to the Court having jurisdiction over the Police Station to which it has been transferred by this order, then necessarily the Court trying the case shall award costs to defray the expenses of travel and residence, if the residence is necessitated for the purpose of examination of the witnesses, which shall be paid by the accused herein through the Court."

In the case at hand, as noticed *supra*, the petitioners were discharged for the charge under Section 5 of the Act by learned Special Judge, Visakhapatnam, while the charge under Section 5 of the Act is pending against the petitioners-accused Nos. 1 to 3 and 6 before learned Special Judge, Srikakulam, in other cases against which the present transfer criminal petitions are filed. Therefore, all the aforesaid three cases are not similar kind of C.C.No. 36 of 2017 which is pending before learned Special Judge, Visakhapatnam.

10. The purpose of criminal trial is to dispense fair and impartial justice uninfluenced by extraneous considerations. When it is shown that public confidence in the fairness of a trial would be seriously undermined, any party can seek the transfer of case within the State under Section 407 of the Code of Criminal Procedure/Section 447 of

the B.N.S.S. Every alleged offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed. The cause of action and the alleged offences as per the FIRs are alleged to have arisen within the jurisdiction of learned Special Judge, Srikakulam.

11. As stated *supra*, the petitioners herein filed the instant transfer criminal petitions seeking transfer of C.C.Nos. 1 to 3 of 2018 from the file of the Court of learned Special Judge, Srikakulam, to the file of the Court of learned Special Judge, Visakhapatnam, to be tried along with C.C.No. 36 of 2017. In C.C.No. 2 of 2018, the petitioners are some of the accused and 42 witnesses are cited in the charge sheet, out of which 24 victims are shown as witnesses. The victims and other material witnesses all are residing within the jurisdiction of learned Special Judge, Srikakulam. In C.C.No. 3 of 2018, the petitioners are some of the accused and 43 witnesses are cited in the charge sheet, out of which 25 victims are shown as witnesses. The victims and other material witnesses all are residing within the jurisdiction of learned Special Judge, Srikakulam. In C.C.No. 1 of 2018, the petitioners are some of the accused and 34 witnesses are cited in the charge sheet, out of which 22 victims are shown as witnesses. The victims and other material witnesses all are residing within the jurisdiction of learned Special Judge, Srikakulam.

12. The law is well settled that no universal or hard and fast rules can be prescribed for deciding a transfer petition which has always to be decided on the basis of the facts of each case. Convenience of the parties including the witnesses to be produced at the trial is also a relevant consideration for deciding the transfer petition. The convenience of the parties does not necessarily mean the convenience of the accused alone who approached the Court on misconceived notions of apprehension. Convenience for the purpose of transfer means the convenience of the prosecution, other accused, the witnesses and the larger interest of the society. As stated *supra*, in C.C.No. 36 of 2017 which is now pending before learned Special Judge, Visakhapatnam, the petitioners and other accused were discharged for the charge Section 5 of the Act. If the plea of the petitioners is accepted and C.C.Nos. 1 to 3 of 2018 are transferred to the Court of learned Special Judge, Visakhapatnam, the provisions contained in the B.N.S.S. earmarking the Courts having jurisdiction to try cases would be rendered meaningless.

13. It is well settled that while considering the transfer of a criminal case, the transfer of criminal case has to be accepted in exceptional cases considering the fact that the transfer may cast unnecessarily aspirations on the State judiciary and the prosecution agency. The

Hon'ble Apex Court in ***Nahar Singh Yadav and another Vs. Union of India and others*** held at para No. 24 as under:

> *"24. Thus, although no rigid and inflexible rule or test could be laid down to decide whether or not power under Section 406 of the Cr.P.C. should be exercised, it is manifest from a bare reading of sub-sections (2) and (3) of the said Section and on an analysis of the decisions of this Court that an order of transfer of trial is not to be passed as a matter of routine or merely because an interested party has expressed some apprehension about the proper conduct of a trial. This power has to be exercised cautiously and in exceptional situations, where it becomes necessary to do so to provide credibility to the trial. Some of the broad factors which could be kept in mind while considering an application for transfer of the trial are:-*
>
> *(i) when it appears that the State machinery or prosecution is acting hand in glove with the accused, and there is likelihood of miscarriage of justice due to the lackadaisical attitude of the prosecution;*
>
> *(ii) when there is material to show that the accused may influence the prosecution witnesses or cause physical harm to the complainant;*
>
> *(iii) comparative inconvenience and hardships likely to be caused to the accused, the complainant/the prosecution and the witnesses, besides the burden to be borne by the State Exchequer in making payment of travelling and other expenses of the official and non-official witnesses;*
>
> *(iv) a communally surcharged atmosphere, indicating some proof of inability of holding fair and impartial trial because of the accusations made and the nature of the crime committed by the accused; and*
>
> *(v) existence of some material from which it can be inferred that the some persons are so hostile that they are interfering or are likely to interfere either directly or indirectly with the course of justice."*

14. As noticed *supra*, the jurisdiction of a Court to conduct criminal prosecution is based on the provisions of the B.N.S.S. and the convenience for the purpose of transfer means the convenience of the prosecution, other accused, the witnesses and the larger interest of the society. The instant transfer applications are filed by four accused. Almost all the witnesses are residing within the jurisdiction of learned Special Judge, Srikakulam, as stated *supra*. In view of the above reasons, I do not find any merit and substance in the contentions raised by the petitioners and the transfer criminal petitions are liable to be dismissed.

15. Accordingly, the transfer criminal petitions are dismissed. Pending miscellaneous applications, if any, shall stand dismissed in consequence. No costs.

JUSTICE V. GOPALA KRISHNA RAO

Date: 09.03.2026
JSK

HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION Nos. 5 TO 7 OF 2026

Date: 09.03.2026

JSK