



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 7th day of March, 2026

:PRESENT:

Smt. Rajeshwari N. Hegde, B.Com., LL.M.
Prl. District & Sessions Judge,
Chikkamagaluru

Crl. Misc. Petn. No.48/2026

Petitioners:

- 1 Smt. Sheshamma
W/o. Doddaiah, Aged 60 years
- 2 Kum. Nagarathna
D/o. Sannasiddaiah
Aged about 45 years
No.1 and 2 are residents of
Kerekodamma Street,
Dantaramakki, Chikmagaluru.
- 3 Smt. Susheelamma
W/o. Malluraiah,
Aged about 55 years
R/o. Kodanadaramaswamy Temple
Hieremagaluru, Chikmagaluru.
(Represented by Sri.KNC, Adv)

-Vs-

Respondents:

- 1 State by Women Police rep. By
Public Prosecutor, Chikmagaluru.
- 2 Neelamma, W/o. Annaiah
Aged about 63 years
- 3 Suma, D/o. Erigayya,
Aged about 45 years
Market Road, Chikmagaluru.
- 4 Srinivasa, S/o. Annaiah
Aged about 38 years
Danataramakki, Chikmagaluru.

- 4 Prema, W/o. Kenchaiah
Aged about 60 years
Dantaramakki, Chikmagaluru.
- 6 Dileepa, S/o. Kenchaiah,
Aged about 34 years
Danataramakki, Chikmagaluru.
- 7 Divya, W/o. Nageshwar,
Aged about 31 years
Magadi Village, Mugulavalli Post
Chikmagaluru.
(R2 to 7 by Sri. IST, Advocate)

ORDER

This petition is filed under section 448 of BNSS by the petitioners seeking transfer of C.C. No: 1893/2022 pending on the file of 2nd Addl. Senior Civil Judge and JMFC, Chikmagaluru to the Court of Prl. District and Sessions Judge, Chikkamagaluru where S.C. No: 9/2024 is pending to dispose of both the cases in accordance with law.

2. The petitioners have contended that on the basis of the complaint filed by respondent No.5, respondent NO.1 police have registered case in Crime No. 104/2022 against the petitioners for the offences punishable under section 448, 323, 307 and 506 r/w 34 of IPC and on committal the said case is pending in S.C. No: 9/2024 before the Prl. Dist. & Sessions Court, Chikmagaluru. Similarly, on the complaint filed by petitioner No.2 herein against respondents 2 to 7 case in Crime No. 30/2022 was registered by respondent No.1 police for the offences punishable under section 143, 144, 323, 504 and 506 r/w 149 of IPC, which has been registered as C.C. No: 1893/2022 on the file of 2nd Addl. Senior Civil

Judge and JMFC, Chikmagalur. It is stated that since both the cases are case and counter case, the case before the this Hon'ble court has been filed with a ulterior motive to get the leverage in case filed in C.C. No: 1893/2022. Consideration of both the cases simultaneously is very much necessary and hence prayed for transfer of C.C. No: 1893/2022 to the court of Prl. District and Sessions Court, Chikmagalur to try alongwith S.C. No: 9/2024. Hence the petition.

3. Pursuant to service of notice, respondents 2 to 7 appeared through their counsel and resisted the petition.

4. Learned P.P took notice for respondent No.1 and resisted the petition contending that both the incidents took place on different date, time and place ,they are not case and counter cases and hence prayed to reject the petition.

5. Heard both sides and perused the record.

6. Following point do arise for my consideration:

"Whether petitioners have made out grounds for transfer of C.C. No: 1893/2022 pending on the file of II Addl. Senior Civil Judge and JMFC, Chikmagalur to the Court of Prl. District and Sessions Judge, Chikkamagaluru where S.C. No: 9/2024 is pending as prayed for?"

7. My finding on the aforesaid point is in the affirmative for the following:-

REASONS

8. This petition is filed seeking transfer of C.C. No: 1893/2022 pending on the file of 2nd Addl. Senior

Civil Judge and JMFC, Chikmagaluru to the Court of Prl. District and Sessions Judge, Chikkamagaluru where S.C. No: 9/2024 is pending.

9. The main contention of the petitioners is that both C. No.1893/2022 and S.C. No: 9/2024 are case and counter case and therefore C.C. No.1893/2022 pending on the file of II Addl. Senior Civil Judge and JMFC, Chikmagaluru is required to be transferred to the Court of the Prl. District and Sessions Judge, Chikkamagaluru where S.C. No.9/2024 is pending so that both the matters can be tried together.

10. The learned counsel for the petitioners has produced copies of complaint, FIR, Charge sheet in both the cases and order sheet in CC No: 1893/2022 and S.C. No: 9/2024 and I have carefully perused the same.

11. On careful perusal of the records, it is evident that the incident alleged in Crime No.30/2022 relates to an occurrence dated 14.03.2022 at about 10.00 a.m. at Dantaramakki Village, on the basis of the complaint filed by petitioner No.2. On the other hand, Crime No.104/2022 is based on the complaint filed by respondent No.5 alleging an incident dated 27.08.2022 at about 8.00 p.m. which allegedly took place in her house. Thus, the two incidents are stated to have occurred on entirely different dates, time and place.

12. In order to treat two criminal cases as case and counter case, it must be shown that both cases arise out of the same transaction or the same incident between the parties. However, in the present case, the material on record

clearly discloses that the two crimes relate to distinct and independent incidents and they cannot be said to have arisen out of the same transaction.

13. Further, merely because the parties involved in both the cases belong to the same village or are known to each other, it cannot be a ground to hold that the cases are case and counter case. The allegations in both the complaints disclose separate occurrences and the investigation has also been conducted independently in both the matters.

14. It is also pertinent to note that C.C. No.1893/2022 is pending before the learned II Addl. Senior Civil Judge and JMFC, Chikkamagaluru and the case has already progressed and is at the stage of consideration of the application filed under Section 239 of Cr.P.C. In such circumstances, transferring the said case to the Sessions Court would unnecessarily delay the proceedings.

15. In the absence of any material to show that both the cases arise out of the same transaction or that joint trial is necessary to avoid conflicting judgments, this Court is of the considered opinion that the petitioners have not made out sufficient grounds to transfer C.C. No.1893/2022 to the Court of Prl. District and Sessions Judge, Chikkamagaluru. Hence the petition deserves to be dismissed and accordingly, I proceed to pass the following:-

ORDER

The petition under Section 448 of BNSS, filed by the petitioners is dismissed.

Office to intimate the concerned courts.

(Typed to my dictation by Stenographer Grade-I directly on the computer, corrected, signed and then pronounced by me in the open Court on this the 7th day of March 2026).

(RAJESHWARI N. HEGDE)
Prl. District & Sessions Judge,
Chikkamagaluru.

Rag/-