



11.1.2015, CR NO.47 DATED 24.1.2015, CR NO. 55 DATED 29.1.2015, CR.NO.62 DATED 31.01.2015, CR.NO.80, DT.07.02.2015 REGISTERED BY HEBBAGODI P.S., BENGALURU THE CR.NO.52, DT.20.01.2015, C.C.NO.20054, 27.06.2015 FROM J.P.NAGAR P.S., BENGALURU CITY, KARNATAKA, CR.NO.72, DT 23.01.2015, C.C.NO.10579 DT.20.08.2018 FROM ELECTRONIC CITY P.S., ELECTRONIC CITY BENGALURU D.K TO CR.NO.14 DT 12.02.2015, C.C.NO.4, DT 24.01.2017 FROM DAVANAGERE CITY CIRCLE P.S., DAVANAGERE, THE CR.NO.17 DATED 15.02.2015, CR.NO.18 DATED 16.02.2015 AND CHARGE SHEET NO.1182, DT 08.02.2018, CR.NO.19, DT 16.02.2015 AND C.C.NO.1183 DT.15.02.2018, CR.NO.20 DT. 16.02.2015 AND C.C.NO.1184 DATED 12.02.2018 FROM JIGANI P.S., ANEKAL TALUK, KARNATAKA AND CR.NO.359 DT 11.10.2018 C.C.NO.56 DT 01.02.2019 AND CR.NO.395 DT.07.11.2018 FROM SURYA NAGAR P.S., SURYA CITY CIRCLE, CHANDARPURA, KARNATAKA TO ANY ONE OF THE COURTS WHERE THE SAID CASES ARE PENDING FOR DISPOSAL TO CONDUCT THE TRIAL OF ALL CASES TOGETHER.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. This petition is filed seeking transfer of 16 FIRs registered in different Police Stations to one of the Courts where the said crimes are pending to conduct trial together.

2. Since the petitioners have sought for transfer of FIRs it cannot be said that a case is pending in the subordinate Court to invoke the powers of this Court under Section 407 of Cr.P.C. Only cases which are



pending on the files of subordinate Courts can be considered for transfer.

3. The Hon'ble Supreme Court in the case of ***Inder Singh vs. Kardar Singh***, reported in ***AIR 1979 SC 1720*** has observed as under:

*... the transfer of investigation from one Police Station to another is not contemplated under Section 406 Cr.P.C.*

The Hon'ble Supreme Court in the case of ***Ram Chander Singh Sagar And Anr vs. State Of Tamil Nadu And Anr***, reported in ***AIR 1978 SC 475*** has observed as under:

*.... the word 'case' does not include any pending investigation. Thus, Section 406 of Cr.P.C. cannot be triggered to transfer the said investigation.*

*The Code of Criminal Procedure clothes this Court with power under Section 406 to transfer a case or appeal from one High Court or a Court subordinate to one High Court to another High Court or to a Court subordinate thereto. But, it*



*does not clothe this Court with the power to transfer investigations from one police station to another in the country simply because the first information or a remand report is forwarded to a Court. If justice is denied there are other redresses, not under Section 406, though it is unfortunate that the petitioners have not chosen to move that court to be absolved from appearance until necessitated by the circumstances or the progress of the investigation. To come to this Court directly seeking an order of transfer is travelling along the wrong street.*

The Hon'ble Supreme Court in the case of **Rhea Chakraborty vs. State of Bihar**, reported in **AIR 2020 SC 3826** has observed as under:

*..... investigations cannot be transferred by invoking powers under Section 406 of the Code of Criminal Procedure, 1973. The Court concluded that only cases and appeals (not investigation) can be transferred under the power of Section 406 Cr.P.C.*



The Hon'ble Supreme Court in the case of **Bhimappa Basappa Bhu Sannavar vs. Laxman Shivarayappa Samagouda& Ors**, reported in **AIR 1970 SC 1153** has observed as under:

*.... it is evident that taking of cognizance is the starting point of a judicial proceeding or a case. And till such time no cognizance is taken on the chargesheet, no judicial proceeding has said to have been commenced.*

4. Transfer of FIR amounts to transfer of investigation. Investigations cannot be transferred by invoking powers under Section 407 of Cr.P.C. The cases and appeals can be transferred under the powers of Section 407 of Cr.P.C.

5. In view of the above, the petition is not maintainable. Accordingly, it is dismissed.

**Sd/-  
JUDGE**