

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 8583 OF 2026

Between:

Boda Raj Kumar, S/o. Bojja, Aged. 30 years, Occ. Pvt. Employee, R/o. H.No. 31-2-406, Boda thanda, Nirropnagar, Komatipally, Hasanparthy.

...Petitioner/Accused

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana at Hyderabad.

...Respondent/Complainant

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash all further proceedings in P.R.C. No. 62 of 2025 on the file of III Additional Junior Civil Judge cum III Additional Judicial First Class Magistrate at Hanumakonda including cognizance order dt 01/09/2025.

I.A. NO: 1 OF 2026

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in P.R.C. No. 62 of 2025 on the file of III Addl. Junior Civil Judge cum III Addl. Judicial First Class Magistrate at Hanumakonda including appearance of the petitioners, pending disposal of Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Karunakar Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent.

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.8583 of 2026

Date: 01.07.2026

Between:

Boda Raj Kumar

..Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused seeking to quash the proceedings in P.R.C.No.62 of 2025 on the file of the III Additional Junior Civil Judge-cum-III Additional Judicial First Class Magistrate at Hanumakonda.

2. Heard Mr.Karunakar Reddy, learned counsel for the petitioner and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. With the consent of both the learned counsel, the criminal petition is disposed of at the admission stage.

4. When this matter was taken up for consideration on 12.06.2026, this Court directed the learned Additional Public Prosecutor to inform respondent No.2 about the filing of the present criminal petition and posted the matter to 22.06.2026. Thereafter, at the request of the learned Additional Public Prosecutor, the matter was further adjourned to 24.06.2026. On 24.06.2026, the learned Additional Public Prosecutor submitted that, pursuant to the order dated 12.06.2026, the Investigating Officer had served notice upon respondent No.2 regarding the filing of the present criminal petition as well as the listing of the matter. Despite such intimation, respondent No.2 has not chosen to enter appearance. However to give one more opportunity, the matter was adjourned to 01.07.2026. Today also, there is no representation on behalf of respondent No.2. Hence, this Court has no other option except to proceed with the matter on merits.

5. Learned counsel for the petitioner, submitted that the learned Magistrate, without recording satisfaction, has taken cognizance

against the petitioner and issued summons mechanically and passed cryptic docket order. Therefore, the docket order passed by the learned Magistrate is liable to be quashed.

6. Learned Additional Public Prosecutor has not opposed the submissions made by the learned counsel for the petitioner.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the learned Magistrate has taken cognizance, without recording satisfaction against the accused and not against the offences, through docket order.

8. It is very much relevant to mention that in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹ the Hon'ble Supreme Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has to record reasons for summoning a person. In *GHCL Employees Stock Option Trust v. India Infoline*

¹ (2015) 4 SCC 609

*Limited*², the Hon'ble Apex Court found fault with the order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In *Chief Enforcemnet Officer v. Videocon International Limited*³, the Hon'ble Supreme Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would involve application of mind by the Magistrate to the suspected commission of an offence. The Hon'ble Supreme Court in *Sunil Bharati Mittal's case (Supra)*, further held as follows:

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not."

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

9. In *Fakhruddin Ahmad v. State of Uttaranchal and another*⁴, it is held as follows:

“Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender.”

10. In view of the observations and directions of the Hon’ble Supreme Court in the judgments referred to supra, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

11. For the foregoing reasons and in view of the principles laid down by the Hon’ble Apex Court in the judgments cited *supra*, and without going into the other grounds, this Court is of the considered view that the cognizance order is liable to be quashed and

⁴ (2008) 17 SCC 157

accordingly quashed. However, this order will not preclude the learned Magistrate from taking cognizance and proceeding with the matter, in accordance with law.

12. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The III Additional Junior Civil Judge cum III Additional Judicial First Class Magistrate at Hanumakonda
2. The Station House Officer, KUC Police Station, Warangal District.
3. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
4. One CC to Sri. Karunakar Reddy, Advocate [OPUC]
5. Two CD Copies

GNK/KA

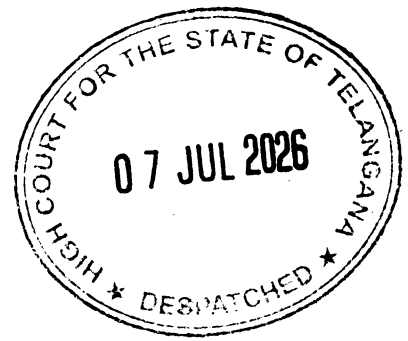


HIGH COURT

DATED: 01/07/2026

ORDER

CRLP.No.8583 of 2026



DISPOSING THE CRIMINAL PETITION

⑧
07/07/26
R.B.