

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

**MONDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 10806 of 2022

Between:

1. Mogulla Sai Prasad alias Talwar Sai , S/o. Parshuram, aged about 22 years, Occ. Worker in GTPL Network, R/o.H.No.6-10-36, Hamalwadi, (Pambouli) Nizambad. (A-1)
2. Mogulla Mahender Yadav , S/o. Parshuram, aged about 19 years, Occ. Student, R/o. H.No .6-10-36, Hamalwadi, (Pambouli), Nizambad. (A-2)
3. Dhatrika Sanjay @ Nani, S/o. Sham, Aged about 19 years, Occ. Labour, R/o. H.No. 6-10-3/1, Hamlwadi, Nizamabad. (A-3)

...Petitioners/Accused

AND

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

...Respondent

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the order passed in CrI.M.P no 480 of 2022 in S.C No 153 of 2021 on the file of the Sessions Judge at Nizamabad and consequently summon the documents sought for by the petitioners in CrI.M.P No 480 of 2022 in S.C No 153 of 2021 on the file of the Sessions Judge at Nizamabd in the interest of justice

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C 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 including appearance of the petitioners in S.C.No. 153 of 2021 on the file of the Sessions Judge at Nizamabad, pending disposal of the criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C. SHARAN REDDY, Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.10806 OF 2022

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioners-Accused Nos.1 to 3 to quash the proceedings against them in CrI.M.P.No.480 of 2022 in S.C.No.153 of 2021 on the file of the Sessions Judge, Nizamabad. The offences alleged against them are under Sections 302, 307 R/w 34 of Indian Penal Code (for short "IPC").

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. A perusal of the record would reveal that the petitioners are being convicted for the offences under Sections 302, 307 of I.P.C. The petitioners filed an application under Section 91 of Cr.P.C to summon the First Investigation Reports (for short 'FIR') in the three cases.

4. The learned Sessions Judge declined the prayer of the petitioners to summon the documents on the ground that the previous bad character of a person would not be relevant in criminal cases. For which reason, when the character of the deceased persons was not in question calling for the documents which are FIR's registered against the deceased could not be relevant.

5. The counsel for the petitioners submits that the petitioners absolutely have no intent of damaging the character of the accused. However, the criminal antecedents of the deceased would be a relevant factor to be decided in a criminal case. As seen from the petition filed under Section 91 of Cr.P.C., there was no intent on the part of the petitioners to question the character of the deceased. However, the endeavor appears to bring to the Courts notice regarding pending criminal cases against the petitioners which may have a bearing on the case in view of criminal antecedents of the deceased.

6. For the said reasons, the petitioners are at liberty to obtain certified copies of the FIR of the three documents sought to be summoned and file during the stage of defence.

7. Accordingly, the Criminal Petition is disposed of.

Miscellaneous applications pending, if any, shall stand closed.

SD/-C.PRAVEEN KUMAR
ASSSTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Sessions Judge at Nizamabad, Nizamabad District.
2. The Station House Officer, Police Station Town-III Nizamabad, Nizamabad District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
4. One CC to SRI. C SHARAN REDDY, Advocate [OPUC]
5. Two CD Copies.

KAM

HIGH COURT

DATED:05/12/2022



ORDER

CRLP.No.10806 of 2022

DISPOSING OF THE CRIMINAL PETITION

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[Signature]
23/12/2022