

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

**WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION NO: 1233 OF 2020**

AND

CRIMINAL PETITION NO:1257 OF 2020

CRIMINAL PETITION NO: 1233 OF 2020

Between:

M/s Shivajyothi Chits Pvt. Ltd., Office 1-7-1074/B., Flat No. 309, 3rd Floor,
Dattasai Commercial Complex, R.T.C. X Road, Hyderabad rep by the Director M.
Rambabu, R/o Ramanthapur, Hyderabad.

...PETITIONER/PETITIONER/COMPLAINANT

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court at Hyderabad.
2. Mr. Syed Akram, S/o Late Syed Mahamood, aged about 35 years, occ. Employee, C/o 11-4-215, Near Saint Albans School, Chilkaalguda, Secunderabad-16. presently residing at H.No.11-4-215, Backside of White House, Chilkaalguda, Secunderabad-16.

...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 common order dt. 20-01-2020 in CrI.M.P. No. 2244 of 2019 in C.C. No. 121 of 2017 passed by the 1st Special Magistrate at Errmanzil, Hyderabad and consequently allow the CrI.M.P. No. 2244 of 2019 in C.C. No. 121 of 2017.

I.A. NO: 1 OF 2020

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 grant stay of all further proceedings in CC No. 121 of 2017, pending disposal of the above criminal revision case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri E

SESHAGIRI RAO, Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No.1 and of Sri P SHANKAR RAO PATIL, Advocate for the Respondent No.2

CRIMINAL PETITION NO: 1257 OF 2020

Between:

M/s Shivajyothi Chits Pvt. Ltd, Office # 1-7-1074/B., Flat No. 309, 3rd Floor, Dattasai Commercial Complex, R.T.C. X Road, Hyderabad rep by the Director M. Rambabu, R/o Ramanthapur, Hyderabad.

PETITIONER/PETITIONER/COMPLAINANT

AND

1. The State of Telangana, rep. by the Public Prosecutor, High Court at Hyderabad.
2. Mr. Syed Akram, S/o Late Syed Mahamood aged about 35 years, occ. Employee, C/o 11-4-215, Near Saint Albans School, Chilkaiguda, Secunderabad-16 presently residing at H.No.11-4-215, Backside of White House, Chilkaiguda, Secunderabad-16.

...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 common order dt. 20/01/2020 in CrI.M.P. No. 2245 of 2019 in C.C. No. 121 of 2017 passed by the 1st Special Magistrate at Errmanzil, Hyderabad and consequently allow the CrI.M.P. No. 2245 of 2019 in C.C. No. 121 of 2017.

I.A. NO: 1 OF 2020

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 grant stay of all further proceedings in CC No. 121 of 2017, on the 1st Special Magistrate at Errmanzil, Hyderabad pending disposal of the above criminal case.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri E SESHAGIRI RAO, Advocate for the Petitioner and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and of Sri P Shankar rao Patil, Advocate for the Respondent No.2

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER
CRIMINAL PETITION Nos.1233 AND 1257 OF 2020

COMMON ORDER:

These Criminal Petitions are filed under Section 482 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") by the petitioner – *de facto* complainant to quash the common order dated 20.01.2020 passed in CrI.M.P.Nos.2244 and 2245 of 2019 passed by the learned I Special Magistrate, Erramanzil, Hyderabad, and consequently, allow CrI.M.P.Nos.2244 and 2245 of 2019 in C.C.No.121 of 2017.

2. Since the prayer in both the Criminal Petitions is similar, both the Criminal Petitions are heard together and disposed off by way of this common order.

3. Heard. Perused the record.

4. The petitioner – *de facto* complainant has filed two applications under Sections 294 and 311 of Cr.P.C. to receive documents on its behalf and recall PW1 for the purpose of marking the documents vide CrI.M.P.Nos.2244 and 2245 of 2019 in C.C.No.121 of 2017. However, the learned I Special Magistrate, Erramanzil, Hyderabad, has

dismissed both the applications by a common order dated 20.01.2020 on the ground that cross examination of petitioner was completed on 11.10.2019 and the petitioner - complainant had come up with documents to fill up lacunas in its case and further, no reasons are given as to why the documents were not earlier produced before the Court.

5. These Criminal Petitions were filed in the year 2020. As seen from the record, for the first time, the cases were listed on 20.02.2020 and again they were listed today. Further, no interim orders were passed by this Court earlier. Learned counsel for the petitioner is unaware of the exact stage in the trial Court. In cases filed under Section 138 of Negotiable Instruments Act, once the examination of witnesses is completed, it would not take considerable time for conclusion of arguments. The said orders were passed on 20.01.2020 in the above applications by the learned Magistrate and nearly 3½ years have been lapsed since then.

6. Considering the facts and circumstances of the case, I do not find any infirmity in the orders dated 20.01.2020 passed by the learned Magistrate and the present Criminal Petitions are liable to be dismissed.

7. Accordingly, both the Criminal Petitions are dismissed.

As a sequel thereto, Miscellaneous Applications, if any, pending, shall stand closed.

//TRUE COPY//

Sd/- K. VENKAIAH
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The I Special Magistrate at Erramanzil, Hyderabad
2. The Station House Officer, Chikkadpally Police Station, Chikkadpally, Hyderabad.
3. One CC to SRI. E SESHAGIRI RAO, Advocate [OPUC]
4. One CC to SRI. P SHANKAR RAO PATIL, Advocate [OPUC]
5. Two CD Copies

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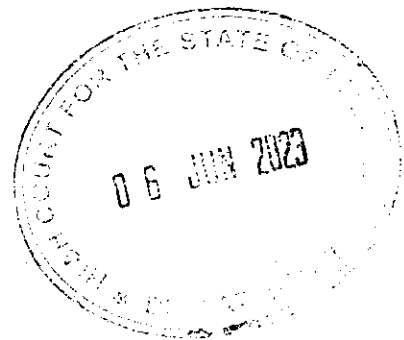
HIGH COURT

KS,J

DATED: 26/04/2023

ORDER

**CRLP.No.1233 of 2020
CRLP.NO.1257 OF 2020**



**DISMISSING THE
CRIMINAL PETITION**

⑦
MA
1/6/23