

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

**THURSDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HON'BLE SRI JUSTICE K.SURENDER
AND
THE HON'BLE SRI JUSTICE K.SARATH**

**I.A.No.1 of 2017 (CrI.A.M.P.No.2388 of 2017)
IN/AND
CRIMINAL APPEAL No: 1190 of 2017**

Appeal under Section 378(3) & (1) of Cr.P.C against the Judgment dated 23-01-2014 passed in S.C.No.158 of 2013 on the file of the Court of the Metropolitan Sessions Judge, Hyderabad.

Between:

The State of Telangana, rep. by The Public Prosecutor, High Court at Hyderabad.

...Petitioner/Appellant

AND

1. Vallapu Balachary, S/o. Late V Eshwaraiah, Age:31 years, R/o. Ziaguda, Hyderabad.
2. Smt. V.Bhagyamma, W/o Late V Eshwaraiah, Age:30 years, R/o. Ziaguda, Hyderabad.
3. Kum. Mahalaxmi, D/o. Late V. Eshwaraiah, Age:25 years, R/o. Ziaguda, Hyderabad.

...Respondents/Respondents

I.A. NO: 1 OF 2017(CRLAMP. NO: 2388 OF 2017)

Petition under Section 5 of Limitation Act praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of " 1231 days" in presenting the appeal against the order of acquittal of the accused/respondents in S.C.No.158 of 2013 on the file of the Metropolitan Sessions Judge, Hyderabad, dated 23-1-2014.

Counsel for the Appellant: Public Prosecutor

Counsel for the Respondents: None Appeared

The Court delivered the following: JUDGMENT

**THE HONOURABLE SRI JUSTICE K.SURENDER
AND
THE HONOURABLE SRI JUSTICE K.SARATH**

**I.A.No.1 of 2017 (Cr1.A.M.P.No.2388 of 2017)
IN/AND
CRIMINAL APPEAL NO.1190 OF 2017**

JUDGMENT: (per Hon'ble Sri Justice K.Surender)

I.A.No.1 of 2017 is filed seeking to condone the delay of 1231 days in presenting the appeal.

2. On 25.10.2017 in I.A.No.1 of 2017, this Court directed the petitioner to take out personal notice on the respondents by 'RPAD' and file proof of service. However, proof of service is not filed to show that notices were sent to the respondents. Again on 06.09.2019 this Court directed the petitioner to take out fresh notice on the respondents. Till date, no proof of service is filed to show that notices have been sent to the respondents.

3. Accordingly, I.A.No.1 of 2017 is dismissed and consequently the appeal stands rejected.

Miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

Sd/- M. MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Metropolitan Sessions Judge, Hyderabad. (with records, if any)
2. The XVI Additional Chief Metropolitan Magistrate, Hyderabad.
3. The Station House Officer, Kulsumpura Police Station, Hyderabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at
Hyderabad [OUT]
5. Two CD Copies

HIGH COURT

DATED:26/12/2024



JUDGMENT

I.A.No.1 of 2017 (Crl.A.M.P.No.2388 of 2017)

IN/AND

CRLA.No.1190 of 2017

**I.A.No.1 of 2017 IS
DISMISSED
CRIMINAL APPEAL
STANDS REJECTED**

⑧

HP
12/2/25