

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: CrI.P.No.2834 of 2025

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
6.	20.03.2025	<u>JSR, J</u> <u>I.A.No.1 of 2025</u> This application is filed invoking the provisions under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking permission to implead the petitioner as party respondent No.2 in the present criminal petition. Heard Mr. Y. Srinivasa Murthy, learned Senior Counsel representing Mrs. Uma Devi Nama, learned counsel for the petitioner -<i>de facto</i> complainant, Mr. V. Ravi Kiran Rao, learned Senior Counsel, representing Pillix Law Firm, for respondent No.1 and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.2 – State. Learned Senior Counsel for the petitioner submits that basing upon the complaint lodged by the petitioner, Crime No.443 of 2021 was registered for the offences under Sections 420, 468, 471 and 506 read with 34 of the IPC. Subsequently, respondent No.1 approached the learned Metropolitan Sessions Judge, R.R. District at L.B.Nagar and filed CrI.M.P.No.1583 of 2024 for grant of bail and the same was allowed on 24.06.2024 with certain conditions. Thereafter, the	Transferred to i/o folder, before corrections, if any

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		petitioner filed application for cancellation of bail <i>vide</i> CrI.P.No.8752 of 2024 granted in favour of respondent No.1 and this Court allowed the said application, by its order dated 23.09.2024. Aggrieved by the same, respondent No.1 approached the Hon'ble Supreme Court and filed Special Leave to Appeal (CrI.) No.13523 of 2024 and the same was dismissed on 20.02.2025. Thereafter, respondent No.1 surrendered before the trial Court and the petitioner filed the present criminal petition seeking for grant of regular bail. Unless the petitioner impleaded as party respondent No.2, he will be put to irreparable loss and great hardship. Per contra, learned Senior Counsel for respondent No.1 submits that the petitioner is not required as a party respondent, as he has not comes within the meaning of 'victim' as per the Section 2(y) of the BNSS. He further submits that as per the provisions of Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of Section 376 or Section 376AB or Section 376DA or Section DB of the IPC.	

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		In support of his contention, he relied upon the following judgments of the Hon'ble Apex Court. 1. Jagjeet Singh and others v. Ashish Mishra, @ Monu and another¹; 2. Javed Gulam Nabi Shikh v. State of Maharashtra and another²; and 3. Jalaluddin Khan v. Union of India³ Learned Additional Public Prosecutor has not opposed the same. Having heard the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that basing upon the complaint lodged by the petitioner, Crime No.443 of 2021 was registered. Basing on the said complaint, the petitioner was arrested on 21.05.2024. Thereafter, respondent No.1 filed application for grant of regular bail before the Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar vide CrI.M.P.No.1583 of 2024 and the same was allowed with certain conditions. Thereafter, respondent No.1 filed application for grant of relaxation of condition, vide CrI.M.P.No.188 of 2024 and the same was allowed on 28.08.2024. In the meantime, the petitioner approached this Court and filed CrI.P.No.8752 of 2024 seeking	

¹ (2022) 9 SCC 321

² (2024) 9 SCC 813

³ 2024 (10) SCC 574

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		cancellation of bail on the ground of violation of condition No.(ii) imposed by the trial Court in CrI.M.P.No.1583 of 2024. This Court allowed the said criminal petition on 23.09.2024. Aggrieved by the said order, respondent No.1 approached the Hon'ble Supreme Court and filed Special Leave to Appeal (CrI.) No.13523 of 2024 against the State of Telangana and the petitioner. Taking into consideration the peculiar facts and circumstances of the case and the petitioner is a party in CrI.P.No.8752 of 2024 and respondent in Special Leave to Appeal (CrI.) No.13523 of 2024, this Court is of the considered view that the petitioner is entitled to seek impleadment as party respondent No.2 in the present CrI.P.No.2834 of 2025. Accordingly, I.A.No.1 of 2025 is allowed. Registry is directed to carry out the necessary amendment. JSR, J <u>I.A.No.2 of 2025</u> This application is filed invoking the provisions under Section 528 of the BNSS seeking permission to implead the petitioner as party respondent No.2 in the present criminal petition. Heard Mrs. K. Durga Bhavani, learned counsel for the petitioners, Sri V. Ravi Kiran Rao, learned Senior Counsel, representing Pillix Law	

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		Firm, for the respondent No.1/petitioner, Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent No.2 – State. Learned counsel for the petitioners submits that the petitioners are the members of the Telugu Cinema Workers Co-operative Housing Society Limited (for short, ‘the Society’) and they are the victims. Hence, the petitioners are entitled to seek impleadment as party respondents in the present criminal petition. Learned Senior Counsel appearing on behalf of respondent No.1 opposed this petition. Having considered the submissions made by the learned counsel for the petitioners and after perusal of the record, it reveals that petitioner Nos.2 and 3 are shown as witnesses in the remand case diary and petitioner No.1 is the member of the Society. Taking into consideration the peculiar facts and circumstances of the case and also in view of the orders passed in I.A.No.1 of 2025, this Court is of the considered view that the petitioners are also entitled to seek impleadment as party respondents. Accordingly, I.A.No.2 of 2025 is allowed. Registry is directed to carry out the necessary amendment. JSR, J	

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		<u>Crl.P.No.2834 of 2025</u> Criminal Petition is allowed, vide separate order. (b/o) mar	

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