

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 15327 OF 2025

Between:

1. Kotla Naveen, S/o Saidulu, Aged 25 years, Occ. Agriculture, R/o Pillalamarri Village, Suryapet Mandal.
2. Bairu Mahesh, S/o Srinu, Aged 40 years, Occ. Business, R/o Thallagadda, Suryapet Town.
3. Kotla Vamshi, S/o Saidulu, Aged 20 years, Occ. Student, R/o Pillalamarri Village, Suryapet Mandal.
4. Kotla Saidulu, S/o Bixam, Aged 48 years, Occ. Agriculture, R/o Pillalamarri Village, Suryapet Mandal.
5. Kotla Buchamma, W/o Late Bixam, Aged 69 years, Occ. Housewife, R/o Pillalamarri Village, Suryapet Mandal.
6. Nuvvula Saicharan, S/o Chandramouli, Aged 21 years, Occ. Private Job, R/o Devarkonda Road, Nalgonda Town.

...PETITIONERS/ACCUSED No.1 to 6

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court of Judicature at Hyderabad Hyderabad.
2. Vadlakonda David, S/o Jan, Age.65 yrs., Occ. Retired Church Pastor, R/o Annararn (V), Thungathurthy (M) Nalgonda District-508 001.

...RESPONDENTS/COMPLAINANTS

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 the proceedings in S.C.No.96 of 2025 dated 22-08-2025 on the file of the Special Sessions Judge for SCs/STs(POA) ACT Cases Cum II Addl. District and Sessions Judge, Nalgonda against the Petitioners/Accused No. 1 to 6.

I.A. NO: 1 OF 2025

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 including appearance of the Petitioners/ Accused No.1 to 6 in S.C.No.96 of 2025 dated 22-08-2025 on the file of the Special Sessions Judge for SCs/ STs(POA) ACT Cases Cum II Addl. District and Sessions Judge, Nalgonda against the Petitioners/Accused No. 1 to 6 pending disposal of the Main Quash Petition in the interest of the justice and pass.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P VAMSHEEDHAR REDDY, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, the Additional Public Prosecutor on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.15327 of 2025

ORDER:-

1. This Criminal Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking to quash the proceedings against the petitioners/accused Nos.1 to 6 in S.C.No.96 of 2025, pending on the file of the learned Special Sessions Judge for SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge, Nalgonda District.

2. Heard Sri P. Vamsheedhar Reddy, learned counsel for the petitioners/accused as well as Sri Jithender Rao Veeramalla, the learned Additional Public Prosecutor appearing for the respondent No.1 -State.

3. Learned counsel for the petitioner submitted that the order of cognizance passed by the learned Trial Court is not in accordance with law and that there are no reasons assigned for taking cognizance in this case. He further submitted that the Trial Court has erroneously passed the docket order dated 22.08.2025, wherein the case is numbered in the first instance and the cognizance is taken against the offence. Thus, the learned counsel for the

petitioners prayed the Court to set aside the said orders and to quash the proceedings against the petitioners/accused.

4. The learned Additional Public Prosecutor has submitted that appropriate orders may be passed in this case, in accordance with law.

5. Perused the record.

6. The petitioners herein are aggrieved by the cognizance order dated 22.08.2025 passed by the learned Trial Court. The said order is extracted hereunder for the sake of reference:

"Registered as SC Spl.No.96 of 2025. Case is taken cognizance for the offences under Sections 103(1), 61(2), 3(5) of BNS and Section 3(2)(v) of SC/ST(POA) Act against the accused nos.1 to 6. Issue summons to accused. Call on 26.08.2025".

7. A bare reading of the above docket order reveals that the Officer has failed to assign reasons and has further failed to record a prima-facie satisfaction for taking cognizance. Further, the case is registered as SC Spl.No.96 of 2025 and thus the cognizance order is passed which is not justified without assigning any proper reasoning therein.

8. Issuance of summons is not a mechanical course of action but it requires application of mind by the Court to decide whether there is any prima facie case against the accused for issuance of summons.

9. The petitioner counsel has relied upon the orders passed by this Court in Crl.Petition.No.7656 of 2025 and Crl.Petition.No.8136 of 2025 and the said petitions were allowed by this High Court and the cognizance orders were quashed.

10. This Court does not want to interfere into the powers of the Sessions Court in taking cognizance of the offence, but assigning reasons for doing the same is required while passing such orders. Therefore, the said cognizance order is liable to be set aside.

11. In the result, the Criminal Petition is **allowed**. The cognizance order dated 22.08.2025 passed in SC No.96 of 2025 by the learned Special Sessions Judge for SCs/STs (POA) Act Cases-cum-II Additional District and Sessions Judge, Nalgonda District, is hereby set aside and the matter is remanded to the Trial Court with a direction to the learned Sessions Judge to pass a reasoned order, in accordance with law.

ETD, J
CrIp_15327_2025

12. Miscellaneous petitions pending, if any, shall stand closed.

SD/- N.CHANDRA SEKHAR RAO
DEPUTY REGISTRAR

//TRUE COPY//

6
SECTION OFFICER

To,

1. The Special Sessions Judge for SCs/ STs(POA) ACT Cases Cum
II Addl. District and Sessions Judge, Nalgonda
2. The Station House Officer, Police Station, Suryapet Rural
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI P VAMSHEEDHAR REDDY Advocate [OPUC]
5. Two CD Copies

TPK/PSL

TPK

HIGH COURT

DATED:21/11/2025

ORDER

CRLP.No.15327 of 2025



CRIMINAL PETITION IS ALLOWED

⑧ *lcpl*
26/11/25