IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 6791 OF 2026

Between:

Chandra Ranga Rao, S/o. Venkateshwarlu, Aged about 51 years, Occ Business, R/o. Flat No. 504, Sree Nilayam Enclave, M.No.8-3-945, Beside New Science Collage, Ameerpet, Hyderabad, Telangana

...PETITIONER/ACCUSED/APPELLANT

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Chandra Koteswara Rao, S/o. Late Sri Ch. Punnaiah, R/o. Flat No. 102, B.K.Enclave, A.S.Raju Nagar, MNR College Raod, Kukatpally, Hyderabad, Telangana

...RESPONDENTS

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 call for the record relating to the proceedings in Criminal Appeal No. 751 of 2016 on the file of the Hon'ble II Additional District and Sessions Judge-cum-I Additional Family Court, Medchal, and quash the Docket Order dated 30.03.2026, as being illegal, arbitrary and unconstitutional.

I.A. NO: 2 OF 2026

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 grant stay of all further proceedings in Criminal Appeal No. 751 of 2016 on the file of Hon'ble II Additional District and Sessions Judge-cum-I Additional Family Court, Medchal, pending disposal of the above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Md. Nawaz Hyder Ali, Advocate for the Petitioner and Mr. Jithender Rao Veermalla, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6791 of 2026

Date: 30.04.2026

Between:
Chandra Ranga Rao

...Petitioner/accused

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner/accused aggrieved by the docket order dated 30.03.2026 in Crl.A.No.751 of 2016, passed by the learned II Additional District and Sessions Judge-cum-I Additional Family Court, Medchal (for short 'the Sessions Court').

2. Heard Mr. Md. Nawaz Hyder Ali, learned counsel for the petitioner, and Mr. Jithendar Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Notice in respect of respondent No.2 is dispensed with on the ground that the petitioner is not seeking any relief against respondent No.2, as he was arrayed only as a proforma respondent.

4. Learned counsel for the petitioner submitted that the petitioner was arrayed as an accused in C.C.No.43 of 2016 on the file of the Special Magistrate Court No.IV, Kukatpally, at Miyapur (for short 'the trial Court'). The trial Court convicted the petitioner/accused on 03.09.2016 for the offences under Sections 138 and 142 of the Negotiable Instrument Act, 1881, (for short 'NI Act'). Aggrieved by the said judgment, the petitioner filed an appeal *vide* Crl.A.No.751 of 2016 before the Sessions Court. Due to unavoidable circumstances, the petitioner was not appeared on 09.03.2026, however, the Sessions Court treated the arguments of petitioner as heard and posted the matter to 30.03.2026 for judgment. On 30.03.2026, learned Sessions Court directed the parties to file a copy of the order passed by the High Court and posted the matter to 24.04.2026. He further submitted that the Sessions Court, without giving an opportunity of hearing much less a reasonable opportunity of hearing, treated the arguments of petitioner as heard and the same is a gross violation of the due process of law. The appeal has to be adjudicated as original proceedings.

5. *Per contra*, learned Additional Public Prosecutor submitted that the petitioner is entitled to approach the very same Court to file an

application seeking to reopen the appeal and without availing such remedies before the Sessions Court, the petitioner has straightaway approached this Court and filed the present criminal petition.

6. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record it reveals that the petitioner was convicted by the trial Court on 03.09.2016 in C.C.No.43 of 2016 for the offences under Sections 138 and 142 of the NI Act and sentenced to undergo simple imprisonment for a period of two (2) years and also to pay Rs.50,00,000/- to respondent No.2. In default, the petitioner shall undergo simple imprisonment for a period of six (6) months. Aggrieved by the said judgment, the petitioner preferred an appeal *vide* Crl.A.No.751 of 2016 before the Sessions Court. On 09.03.2026 the petitioner was absent due to unavoidable circumstances, however, the Sessions Court treated the arguments of petitioner as heard and after hearing the arguments of respondent No.2, posted the matter to 30.03.2026 for judgment. According to the learned counsel for the petitioner, due to unavoidable circumstances, neither the petitioner nor the counsel for the petitioner were present before the Sessions Court on 09.03.2026 and the matter before the Sessions Court was posted to

07.05.2026. Hence, this Court is of the view that the petitioner is entitled to approach the Sessions Court seeking to reopen the matter, for submission of his arguments.

7. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is granted liberty to file an application before the learned Sessions Court seeking to reopen the case and for grant of an opportunity of hearing to him, within a period of one (1) week from today and on application, the learned Sessions Court is directed to consider the same in accordance with law.

8. With the above directions, the Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

SD/- N.SRIHARI
DEPUTY REGISTRAR

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SECTION OFFICER

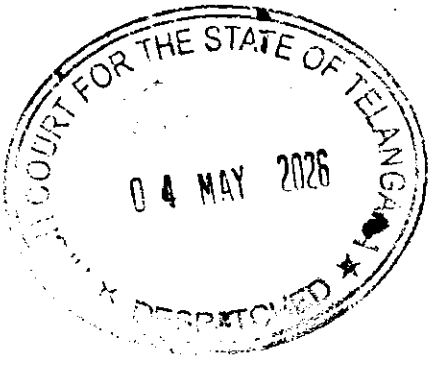
To,

1. The II Additional District and Sessions Judge-cum-I Additional Family Court, Medchal
2. One CC to Mr. Md. Nawaz Hyder Ali, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

KAM/KA

HIGH COURT

DATED: 30/04/2026



ORDER

CRLP.No.6791 of 2026

DISPOSING OF THE CRIMINAL PETITION

(7) NT 21/5/26