IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 6105 OF 2026

Between:

Mohd. Maqbool @ Mohammed Maqbool Ahmed, S/o. Lal Mohammad, Aged. 62 yrs, Occ. Business, R/o. H.No. 9-4-113/C/15, Tolichowki, Hyderabad.

...Petitioner/Accused No.1

AND

1. The State of Telangana, rep., by Public Prosecutor, High Court at Hyderabad.
2. Chokakula Venkateshwer Rao, S/o. Pentaiah, Aged. 64 yrs, Occ. Business, R/o. H.No. 14-3-58, Goshamahal, Hyderabad.

...Respondent No.2/Defacto complainant

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 orders passed in Crl.M.P.No.523 of 2026 in C.C No.186 of 2014 on the file of the Additional Junior Civil Judge-cum-Additional Judicial First Class Magistrate at Zaheerabad.

I.A. NO: 1 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 stay all further proceedings in C.C No.186 of 2014 on the file of the Additional Junior Civil Judge-cum-Additional Judicial First Class Magistrate at Zaheerabad.

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, learned 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.6105 of 2026

Date: 21.04.2026

Between:
Mohd. Maqbool @ Mohammed Maqbool Ahmed
...petitioner/accused No.1

AND

The State of Telangana and another
...respondents

ORDER

This criminal petition is filed aggrieved by the impugned order dated 26.03.2026 passed by the Additional Junior Civil Judge-cum-Additional Judicial First Class Magistrate at Zaheerabad (for short 'the Trial Court') in Crl.M.P.No.523 of 2026 in CC.No.186 of 2014 where-under, the application filed by the petitioner under Section 70(2) of Cr.P.C, seeking recall of the Non-Bailable Warrant (for short 'NBW') dated 23.03.2026 was dismissed.

2. Heard Sri P. Vamsheedhar Reddy, learned counsel for petitioner, and Mr. Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1.

3. As the petitioner is not seeking any relief against respondent No.2, notice in respect of respondent No.2 is dispensed with.

4. Learned counsel for the petitioner submitted that the petitioner is suffering from kidney-related problems and he is undergoing dialysis treatment. Due to the same, the petitioner could not appear before the Trial Court in CC.No.186 of 2014 on 23.03.2026. However, inspite of the same, the Trial Court has issued Non-Bailable Warrant on the very same day. Subsequently, the petitioner filed an application under Section 70(2) of Cr.P.C vide Crl.M.P.No.523 of 2026 in CC.No.186 of 2014 to recall the NBW dated 23.03.2026, by enclosing Medical Certificate issued by Civil Surgeon or Medical Officer, Osmania General Hospital. However, the Trial Court without properly considering the averments made in support of the application, has erroneously dismissed the said application through order dated 26.03.2026 without assigning any reasons, only on the sole ground that the petitioner was not present physically. Unless this Court recalls the NBW issued against the petitioner, he will be put to great hardship. Learned counsel further submits that the petitioner will appear before the Trial Court through his counsel,

on each and every date of adjournment, whenever his presence is required.

5. The learned Additional Public Prosecutor submitted that the matter is pending since the year 2014. Thus, the Trial Court has rightly issued NBW against the petitioner, as the petitioner has not cooperated before the Trial Court to prosecute the proceedings and there is no irregularity or illegality in the order passed by the Trial Court.

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 is an accused in C.C.No.186 of 2014, registered for the offences punishable under Section 420 read with 34 of the Indian Penal Code. The learned Trial Court issued NBW against the petitioner on 23.03.2026, thereafter the petitioner filed the application seeking to recall the said NBW on the very same day, by invoking the provisions of Section 70(2) of Cr.P.C. The said application was dismissed by the Trial Court on 26.03.2026. The petitioner has also enclosed a copy of Medical Certificate issued by the Civil Surgeon or Medical Officer, Osmania General Hospital, wherein it is stated that the petitioner has to undergo treatment for a period of 4 weeks i.e, from

23.03.2026. The petitioner has also enclosed the photographs, which reveals that the petitioner's left leg is damaged due to dialysis and ill-health.

7. Taking into consideration the peculiar facts and circumstances of the case, the impugned order dated 26.03.2026, passed by the Additional Junior Civil Judge-cum-Additional Judicial First Class Magistrate at Zaheerabad in Crl.M.P.No.523 of 2026 in CC.No.186 of 2014 is set aside and the NBW dated 23.03.2026 issued against the petitioner is recalled, subject to the conditions that the petitioner/accused No.1 shall furnish a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties to the satisfaction of the learned Trial Court and also the petitioner shall file an undertaking that he shall be represented through his counsel on each and every date of hearing. If the presence of the petitioner/accused No.1 is required, he shall appear before the trial Court. In case of non-appearance on the specific date fixed by the trial Court for his appearance, the trial Court is entitled to proceed with the matter, in accordance with law.

8. With the above directions, the criminal petition is disposed of, accordingly.

Pending miscellaneous applications, if any, shall stand closed.

SD/-B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

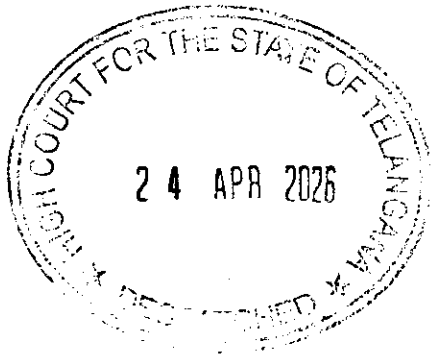
To,

1. The Additional Junior Civil Judge-cum-Additional Judicial First Class Magistrate at Zaheerabad.
2. The Judicial First Class Magistrate At Zaheerabad.
3. The Station House Officer, Zaheerabad Police Station, Medak District.
4. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
5. One CC to Sri P.Vamsheedhar Reddy, Advocate [OPUC]
6. Two CD Copies

GNK

HIGH COURT

DATED: 21/04/2026



ORDER

CRLP.No.6105 of 2026

DISPOSING THE CRIMINAL PETITION

24/4/26