

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MAIN CASE No:- CrI.P.No.7738 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
07.	18.02.2026	<u>ETD, J</u> <u>I.A.No.1 of 2026</u> This application is filed seeking direction to the trial Court to recall the NBW, dated 13.06.2024 and also direct to club both the cases for conducting joint trial in S.C.No.306 of 2023 and S.C.436 of 2026. Heard Sri K.L.B.Kumar, learned counsel for the petitioner and Sri D.Arun Kumar, learned Additional Public Prosecutor appearing for respondent No.1-State. Learned counsel for the petitioner submitted that while CrI.P.No.7738 of 2023 is pending before this Court, an interim order was granted dispensing with the personal attendance of the petitioner before the trial Court, and the same was extended till 11.04.2025. Thereafter, no further extension of the interim order was granted. However, the learned counsel for the petitioner was under the impression that the interim order was still in force and, therefore, the petitioner did not appear before the trial Court. As a result, a Non-Bailable Warrant (NBW) dated	Transferred to i-order before corrections

		13.06.2024 was issued against him. It is also learnt that the Sessions Case against the petitioner has been split up and re-numbered as S.C.No.436 of 2025 and that the trial is set to commence in S.C.No.306 of 2023. Hence, the learned counsel for the petitioner submitted that the petitioner is ready to face the trial and prayed this Court to recall the NBW issued against the petitioner and consequently to direct the trial Court to conduct a joint trial in both the cases. On the other hand, the learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner and submitted that after waiting for nearly two years for the presence of the accused, a decision was taken to split up the case and it was renumbered as S.C.No.436 of 2025 against the present petitioner. He further submitted that the petitioner, against whom NBW is pending, is not entitled to seek any relief from this Court. Hence, he prayed to dismiss the application. Perused the record. S.C.No.306 of 2023 is pending before the trial Court for the offences punishable under Section 306 read with 34 of IPC. During the pendency of Criminal Petition No.7738 of 2023, filed by Accused No.2	
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	seeking quashment of the proceedings, an interim order was granted dispensing with the personal attendance of the petitioner before the trial Court, and the same was extended till 11.04.2025. Thereafter, no further extension of the interim order was granted. However, the petitioner failed to appear before the trial Court, as a result of which NBW was issued. After following due procedure, the trial Court has split up the case against the petitioner/Accused No.2 and renumbered it as S.C. No. 436 of 2025. The learned counsel for the petitioner has now filed the present application seeking recall of the NBW dated 13.06.2024. Admittedly, the present petition has been filed after a lapse of nearly one and a half years from the date of issuance of the NBW. There is a specific procedure for recalling an NBW before the trial Court, and the petitioner is required to approach the trial Court by filing an appropriate application in accordance with law. Considering the facts and circumstances of the case, this Court deems it appropriate to dispose of the I.A.No.1 of 2026 by granting liberty to the petitioner to approach the trial Court by filing a proper application for recall of the NBW. Upon such application being filed, the trial Court shall	
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		consider and dispose of on the same day on its own merits, in accordance with law without being influenced by any of the observations made by this Court in this order. With regard to the request for clubbing both the cases, it is open to the petitioner to file an appropriate application before the concerned Sessions Judge of Medchal–Malkajgiri District, who shall consider and pass orders on such application in accordance with law. The application is disposed of accordingly. ETD, J <u>Crl.P.No.7738 of 2023</u> The criminal petition is dismissed as infructuous. (vide separate order) <i>B/o. gv</i>	
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