IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY SIXTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 10704 OF 2026

Between:

Sawood Bin Rizwan, S/o Rizwan Bin Abood, Aged 22 years, Occ. Student, R/o H. No. 8-2-740/17/16, Bhola Nagar, Banjara Hills, Hyderabad.

...Petitioner/Accused No.9

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana.
2. B. Sakram, Sub-Inspector of Police, Raidurgam Police Station, Cyberabad Commissionerate, Ranga Reddy District.

...Respondent

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 records relating to and in connection with C.C. No. 3229 of 2024 on the file of the II Additional Junior Civil Judge-cum-XIII Addl. Judicial Magistrate of First Class. Ranga Reddy District at Rajendrangar, for the offence punishable under section 125 BNS and Sec 184 of the Motor Vehicles Act, 1988, in so far as the Petitioner (A9) is concerned and quash the same in so far as it relates to the Petitioner (A9).

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 of C.C. No. 3229 of 2024 on the file of the II Additional Junior Civil Judge-cum-XIII Addl. Judicial Magistrate of First Class, Ranga Reddy District at Rajendrangar, in so far as it relates to the Petitioner (A9), pending disposal of the Criminal petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohd Islamuddin Ansari, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondents.

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.10704 of 2026
(CNR No. HBHC010447512026)

Date: 26.10.2026

Between:
Sawood Bin Rizwan

...Petitioner/Accused No.9

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition is filed by the petitioner/accused seeking to quash the proceedings in C.C. No.3229 of 2024 on the file of the II Additional Junior Civil Judge-cum-XIII Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar, for the offences under Section 125 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Section 184 of the Motor Vehicles Act, 1988 (for short 'the M.V. Act').

2. Heard Mr. Mohd. Islamuddin Ansari, learned counsel for the petitioner, and Mr.Jithendar Rao Veeramalla, learned Additional Public Prosecutor appearing for respondents.

3. Learned counsel for the petitioner submitted that the learned Magistrate took cognizance against the petitioner and other accused for the offences under Section 125 of the BNS and Section 184 of the M.V. Act on 23.12.2024 and issued summons, without recording satisfaction and without assigning any reasons and the same is contrary to the principles laid down by the Hon'ble Apex Court in **Sunil Bharati Mittal v. Central Bureau of Investigation**[1] and **Fakhruddin Ahmad v. State of Uttaranchal and another**[2].

4. The said submission has not been opposed by the learned Additional Public Prosecutor.

5. Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that the learned Magistrate on 23.12.2024 without recording satisfaction and without assigning any reasons had taken cognizance by using rubber stamp and issued summons to the petitioner and other accused.

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[1] (2015) 4 SCC 609
[2] (2008) 17 SCC 157

Therefore, the docket order dated 23.12.2024 passed by the learned Magistrate is liable to be quashed.

6. It is very much relevant to mention that in **Sunil Bharati Mittal** (*supra*), the Hon'ble Apex Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has to record reasons for summoning a person. In **GHCL Employees Stock Option Trust v. India Infoline Limited**[3], the Hon'ble Apex Court found fault with the order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In **Chief Enforcement Officer v. Videocon International Limited**[4], the Hon'ble Apex Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would involve application of mind by the Magistrate to the suspected commission of an offence. The Hon'ble Apex Court in **Sunil Bharati Mittal's** case *supra*, further held as follows:

[3] (2013) 4 SCC 505
[4] (2008) 2 SCC 492

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not."

7. In **Fakhruddin Ahmad** (*supra*), it is held as follows:

"Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender."

8. In view of the observations and directions of the Hon'ble Apex Court in the judgments referred to *supra*, the act of issuing process for

summoning an accused to face a criminal trial is a serious issue and such orders directing the issuance of summons to a person to face criminal trial cannot be passed on the basis of cryptic orders and it should be an order reflecting due application of mind by the Presiding Officer while taking cognizance and issuing process.

9. For the foregoing reasons and in view of the principles laid down by the Hon'ble Apex Court in the judgments cited *supra*, and without going into the other grounds, this Court is of the considered view that the cognizance order dated 23.12.2024 in C.C. No.3229 of 2024 on the file of the II Additional Junior Civil Judge-cum-XIII Additional Judicial Magistrate of First Class, Ranga Reddy District at Rajendranagar, is liable to be quashed and accordingly quashed. The learned Magistrate is directed to take cognizance afresh and to proceed with the matter in accordance with law.

10. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-cum-XIII Addl. Judicial Magistrate of First Class. Ranga Reddy District at Rajendrangar
2. The Station House Officer, Raidurgam Police Station , Cyberabad District.

3. One CC to Sri Mohd Islamuddin Ansari, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

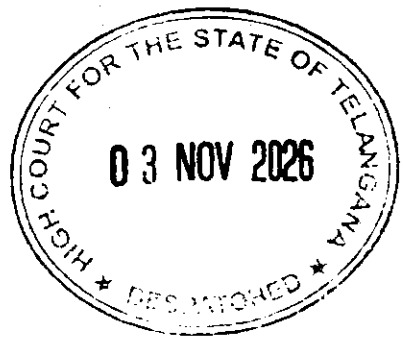
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HIGH COURT

DATED: 26/10/2026

ORDER

CRLP.No.10704 of 2026



DISPOSING OF THE CRIMINAL PETITION

MK
2/11/2026
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