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: 17558 OF 2026

BETWEEN:

Shaik Sameer, S/o Late Shaik Yousufuddin, Aged about. 41 years, Occ. Software Engineer R/o H.No. 3-4-63/19/4/1, Sree Ramanapuram Church Colony, Ramanthapur, Hyderabad - 500 013. Presently Residing at. Aberlerstr. 28, 81379 Munich, Germany.

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, (Through Women Police Station, East Zone, Hyderabad)
2. Fathima Zaheera, D/o Mohammed Jahangeer, Aged about. 31 years, Occ. House Wife, R/o H.No. 2-3-474/32, Akash Nagar, Amberpet, Hyderabad.

...RESPONDENTS/COMPLAINANT/DEFACTO COMPLAINANT

Petition under Section 528 of B.N.S.S. R/w 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to modify/relax the condition imposed in the order dated 24/09/2026 passed in Crl.M.P. No. 1146 of 2026 in CC No. 4497 of 2024 on the file of the XIII Additional Chief Judicial Magistrate (Mahila Court), Manoranjan Complex, Nampally, Hyderabad, insofar as it directs the Petitioner/Accused No. 1 to appear before the Learned Trial Court on every date of hearing, and permit the Petitioner to attend the proceedings in CC No. 4497 of 2024 through virtual mode/video conferencing and through his counsel, in terms of the order dated 07/01/2025 passed by this Court in I.A. No. 3 of 2024 in Crl.P. No. 15001 of 2024.

I.A. NO: 1 OF 2026

Petition under Section 528 of B.N.S.S. R/w 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to dispense with the physical attendance of the Petitioner on the next date of hearing in CC No. 4497 of 2024 on the file of the XIII Additional Chief Judicial Magistrate (Mahila Court), Manoranjan Complex, Nampally, Hyderabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Mohammed Nazeeruddin Khan, 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.17558 of 2026
CNR.No. HBHC010728892026
Date: 26.10.2026

Between:
Shaik Sameer

...Petitioner

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition has been filed by the petitioner aggrieved by the order passed by the XIII Additional Chief Judicial Magistrate, Hyderabad, insofar as to the extent of directing the petitioner to appear before the trial Court on every date of hearing.

2. Heard Mr.Mohammed Nazeeruddin Khan, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Learned counsel for the petitioner submits that the petitioner is accused No.1 in C.C.No.4497 of 2024 and is facing prosecution for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860 (for short, "IPC"), and Sections 4 and 6 of

the Dowry Prohibition Act, 1961 (for short, "DP Act"). He further submits that the matter before the learned trial Court is posted to 29.10.2026 for the appearance of the petitioner. The learned trial Court on 09.09.2024 issued NBW against the petitioner due to non-appearance. Thereafter, the petitioner approached the learned trial Court and filed a petition under Section 70(2) of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") vide Crl.M.P.No.1146 of 2026 seeking recall of the NBW. The said petition was allowed on 24.09.2026, subject to the condition that the petitioner shall appear before the learned trial Court on every date of hearing and execute a personal bond for Rs. 10,000/- with two sureties on the next date of hearing.

3.1. He further submits that the petitioner had approached this Court by filing Crl.P.No.15001 of 2024, seeking quashing of the proceedings in C.C.No.4497 of 2024 and this Court, by order dated 07.01.2025 in I.A.No.3 of 2024 granted permission to the petitioner to appear before the learned trial Court through virtual mode. Despite the said order, the learned trial Court is insisting upon the physical appearance of the petitioner. He further submits that the petitioner is ready and willing to execute the personal bond

and furnish the required sureties. However, the petitioner is residing in Germany in connection with his employment and, for the said reason he could not appear before the learned trial Court on the next date of hearing, i.e., 29.10.2026. He further submits that the petitioner intends to visit India in February 2027. Unless the condition directing the petitioner to appear before the learned trial Court on every date of hearing is relaxed by this Court, the petitioner will be put to great hardship.

4. The learned Additional Public Prosecutor submits that the petitioner, without filing a petition before the learned trial Court seeking relaxation or modification of the condition, has straightaway approached this Court by filing the present criminal petition, which is not maintainable in law.

5. Having considered the rival submissions made by the learned counsel for the respective parties and upon perusal of the material available on record, it reveals that the petitioner is accused No.1 in C.C.No.4497 of 2024 and is facing prosecution for the offences punishable under Sections 498-A and 406 of the IPC and Sections 4 and 6 of the DP Act. The learned trial Court issued an

NBW against the petitioner on 09.09.2024. Thereafter, the petitioner filed Crl.M.P.No.1146 of 2026 seeking recall of the NBW. The learned trial Court allowed the said petition on 24.09.2026 and recalled the NBW, subject to the condition that the petitioner shall appear before the learned trial Court on every date of hearing. The record further reveals that the petitioner had approached this Court by filing Crl.P.No.15001 of 2024, seeking quashing of the proceedings in C.C.No.4497 of 2024 and this Court. by order dated 07.01.2025 in I.A.No.3 of 2024 granted permission to the petitioner to appear before the learned trial Court through virtual mode. In view of the above circumstances, this Court is of the considered view that the petitioner is entitled to file appropriate petition before the learned trial Court seeking relaxation or modification of the condition imposed while recalling the NBW, by raising all the grounds which are pleaded in the present criminal petition.

6. Taking into consideration the peculiar facts and circumstances of the case, this Court is not inclined to modify or relax the condition imposed by the learned trial Court. However, the petitioner is granted liberty to file an appropriate petition before

the learned trial Court seeking relaxation or modification of the condition. Upon filing such a petition, the learned trial Court is directed to consider the same in accordance with law. It is made clear that the petitioner is entitled to put forth the very same grounds which are pleaded in the present criminal petition and is also at liberty to submit the relevant documents which are in his possession.

7. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

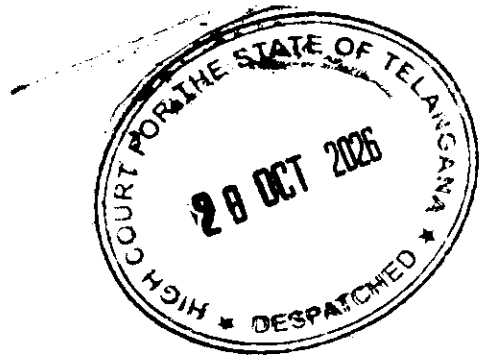
To,

1. The XIII Additional Chief Judicial Magistrate (Mahila Court), Manoranjan Complex, Nampally, Hyderabad..
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri Mohammed Nazeeruddin Khan, Advocate [OPUC]
4. Two CD Copies

GNK

HIGH COURT

DATED: 26/10/2026



ORDER

CRLP.No.17558 of 2026

DISPOSING OF THE CRLP

