IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY EIGHTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 17887 OF 2026

Between:

S. Kamalakar, S/o S. Lingam, aged about 47 years, Occ. Business, R/o Plot No. 192, Balamrai Housing Society, Mahendra Hills, Secunderabad, Hyderabad, Telangana. **...Petitioner/Accused**

AND

1. The State of Telangana, Represented by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. B. Seshagiri Rao, S/o Late B. Nagabhushanam, aged about 55 years, Occ. Business, R/o Flat No. T-2, Surya Teja Apartment, Trimulgherry, Secunderabad, Telangana. **...Respondents/ Complainants**

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 allow the criminal petition by extending the time granted for compliance with the order dated 21.05.2026 passed in Crl.M.P.No.1073 of 2026 in Crl.A.No.206 of 2026 on the file of the learned VI Additional Sessions Judge, Secunderabad, by granting further time to the Petitioner/Accused to deposit 20% of the compensation amount in the form of FDR before the learned Trial Court; consequently, recall the Non-Bailable Warrant, if already issued, or suspend the operation of the direction for issuance of the same, and direct the learned Trial Court not to take any coercive steps against the Petitioner pending such compliance.

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 including the arrest and appearance of the petitioner / Accused in CC.N.I.No.140 of 2024 on the file of XX Additional chief Judicial Magistrate, Secunderabad 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 Smt. Indira, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1, (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.17887 of 2026
CNR No.HBHC010736082026

Date: 28.10.2026

Between:
S.Kamalakar

...Petitioner/Accused

AND

The State of Telangana and other

...Respondents

ORDER

This Criminal Petition is filed seeking extension of time for depositing 20% of the compensation amount, pursuant to the order dated 21.05.2026 passed by the learned VI Additional Sessions Judge, Secunderabad in Criminal Appeal No.206 of 2026, and for recall of the Non-Bailable Warrants (NBWs) issued against the petitioner.

2. Heard Smt. Indira, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1. Notice to respondent No.2 is dispensed with, as the petitioner is not seeking any relief, much less any effective relief, against respondent No.2.

3. Learned counsel for the petitioner submits that the petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in C.C. No.140 of 2024, on the file of the learned XX Additional Chief Judicial Magistrate, Secunderabad, by judgment dated 20.04.2026. Aggrieved by the said judgment, the petitioner preferred Criminal Appeal No.206 of 2026 before the learned appellate Court. Along with the said appeal, the petitioner also filed Crl.M.P. No.1073 of 2026, seeking suspension of the sentence of imprisonment imposed by the learned trial Court.

4. Learned counsel for the petitioner further submits that the learned Sessions Court, by order dated 21.05.2026, suspended the sentence of imprisonment and directed the petitioner to deposit 20% of the compensation amount, in terms of Section 148 of the Negotiable Instruments Act, 1881, within a period of sixty days, failing which the learned trial Court was directed to issue NBWs against the petitioner. He further submits that, due to ill health, the petitioner could not deposit the said amount within the stipulated period. Pursuant to the order dated 21.05.2026, the petitioner deposited the said amount of 20% on 12.10.2026 before the trial Court. The learned trial Court did not accept the same on the

ground that the time granted by the learned appellate Court had already expired and issued NBWs against the petitioner. Thereafter, the petitioner filed an application under Section 70(2) of the Code of Criminal Procedure, 1973, seeking recall of the NBWs. However, the learned trial Court has not considered his request. Learned counsel further submits that the petitioner is ready and willing to deposit the requisite amount. Unless the NBWs issued against the petitioner is recalled and the time granted by the learned Sessions Court is extended, the petitioner will be put to great hardship.

5. Having considered the submissions made by learned counsel for the petitioner and upon perusal of the material available on record, it reveals that the learned appellate Court, while suspending the sentence of imprisonment imposed by the learned trial Court, directed the petitioner to deposit 20% of the compensation amount within a period of sixty days. The record further reveals that when the petitioner tried to deposit the 20% of the compensation amount before the learned trial Court on 12.10.2026, the trial Court has not accepted the same on the ground that the stipulated period had expired, and issued NBWs against the petitioner. The record further reveals that petitioner has filed application on 09.10.2026

under Section 70(2) of CrPC/Section 72(2) of the BNSS to recall the NBWs issued against the petitioner. The learned trial Court returned the said application on 12.10.2026.

6. Taking into consideration the peculiar facts and circumstances of the case, the petitioner is directed to deposit 20% of the compensation amount before the learned trial Court pursuant to the order dated 21.05.2026 in Crl.M.P.No.1073 of 2026 in Crl.A.No.206 of 2026 within a period of one (01) week from today.

8. NBWs issued against the petitioner is recalled subject to the above said condition.

9. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K. VANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VI Additional Sessions Judge, Secunderabad
2. The Special Judge for Trial of Offences under S.Cs and STs (POA) Act cum VI Additional Sessions Judge, Secunderabad.
3. One CC to Smt. Indira, Advocate [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM/GNK

HIGH COURT

DATED: 28/10/2026

ORDER

CRLP.No.17887 of 2026



DISPOSING OF THE
CRIMINAL PETITION

(8)
TP
02/11/26