**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE SECOND DAY OF NOVEMBER TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 17728 OF 2026**

**Between:**

Dadika Srinivas @ Srinu, S/o Bhoomaiah, aged about 40 years, Occ. Cobbler, R/o H.No.19-2-180/59/A, Mochi Colony, Kalapathar, Hyderabad N/o H.No.3-64, Mothegaini, Lingampet Village and Mandal,Kamareddy District.

**...Petitioner/Accused No.1**

**AND**

1. The State of Telangana, Rep by its Public Prosecutor, High Court, at Hyderabad.
2. Godike Balaraju, S/o Rajaiah, Aged about 56 years, Occ. Pvt employee, R/o. H.No. 19-2-180/30, Mochi Colony, Kalapathar, Hyderabad.

**...Respondents/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 Set Aside the order dated 08-10-2026 passed in Crl.M.P. No.1081 of 2026 in S.C. No.4 of 2021 on the file of the V Additional Sessions Judge, Hyderabad, and consequently direct the Sessions Court to reopen the matter for the limited purpose of hearing final arguments on behalf of the Petitioner/Accused No.1 by granting one effective, time-bound opportunity.

**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 pronouncement of judgment in S.C. No.4 of 2021 on the file of the V Additional Sessions Judge, Hyderabad, insofar as necessary to preserve the subject matter of the present challenge.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Gummalla Bhasker Reddy, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and of Sri Koppula Gopal, Advocate 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.17728 of 2026**
**(CNR No.HBHC010741962026)**
**Date:02.11.2026**

**Between :**

Dadika Srinivas @ Srinu

....Petitioner

AND

The State of Telangana and another

....Respondents

**ORDER:**

This Criminal Petition has been filed aggrieved by the order dated 08.10.2026 passed by the learned V Additional Sessions Judge, Hyderabad, in Crl.M.P.No.1081 of 2026 in S.C.No.4 of 2021, wherein the application filed by the petitioner seeking to reopen the case and grant an opportunity for submission of arguments was closed.

2. Heard Mr.G.Bhaskar Reddy, learned counsel for the petitioner, Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor, appearing on behalf of respondent No.1-State and Mr.Koppula Gopal, learned counsel for respondent No.2.

3. Learned counsel for the petitioner submits that the petitioner is accused No.1 in S.C.No.4 of 2023 and is facing prosecution for the offences under Sections 498-A and 306 read with Section 34 of IPC.

The matter before the trial Court is posted for arguments of the petitioner and Accused Nos.2 to 9 on 13.08.2026. On the said date, the learned counsel appearing on behalf of the petitioner and Accused Nos.2 to 9 before the learned trial Court could not advance his arguments on the ground that he was held up in another Court. The learned trial Court, without providing an opportunity to advance the arguments, closed the arguments of the accused and posted the matter for judgment on 02.09.2026. Immediately, on the very same day, i.e., 13.08.2026, the petitioner filed an application vide Crl.M.P. No. 1081 of 2026 seeking to reopen the arguments. The learned trial Court, without properly considering the averments made in the application, erroneously dismissed the application only on the ground that the petitioner had mentioned a wrong provision of law while seeking permission to reopen the submissions of arguments by invoking the provision of Section 311 of Cr.P.C. The learned counsel submits that merely mentioning the wrong provision of law is not a ground for rejecting the application. If one opportunity is given to the petitioner, no prejudice would be caused to the parties.

4. *Per contra*, learned counsel appearing on behalf of respondent No.2 submits that, due to the non-cooperation of the petitioner, the learned trial Court could not dispose of the matter. The learned trial Court has rightly dismissed the application.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the application was filed seeking the relief of reopening the arguments, which were closed on 13.08.2026, by explaining the reasons therefor. The learned trial Court dismissed the application only on the ground that the petitioner had mentioned the wrong provision of law, i.e., Section 311 of Cr.P.C., instead of mentioning Section 314 of Cr.P.C. It is trite law that the learned trial Court ought not to have dismissed the application on the ground of mentioning the wrong provision of law. The learned trial Court ought to have considered the relief sought in the application. Hence, this Court is of the considered view that, especially when the petitioner is facing prosecution for heinous offences, if one opportunity is given to the parties, no prejudice would be caused to the prosecution or the de facto complainant. It is trite law that mentioning a wrong provision of law is not a ground to reject the relief sought by a party. In ***T. Nagappa v. Y.R. Muralidhar***[1] the Hon'ble Supreme Court held that the mere non-mentioning or incorrect mentioning of a provision of law in an application would not, by itself, render the application or the order passed thereon invalid, provided that the Court has the requisite jurisdiction to entertain the application and pass the order. The validity of an order depends upon the existence of the Court's

[1] (2008) 5 SCC 633

jurisdiction and the substance of the power exercised, rather than merely on the correctness of the provision of law cited.

6. For the foregoing reasons, as well as the principle laid down by the Hon'ble Supreme Court in ***T. Nagappa*** (supra), this Court is of the view that the order dated 08.10.2026 passed by the learned V Additional Sessions Judge, Hyderabad in Crl.M.P.No.1081 of 2026 in S.C.No.4 of 2021 is liable to be set aside and is accordingly set aside. The application *vide* Crl.M.P.No.1081 of 2026 is allowed and parties are directed to advance the arguments and conclude the same within a period of two weeks from today. It is made clear that the parties in *lis* shall cooperate with the trial Court for disposal of the case without seeking undue adjournments. In default, the learned trial Court is entitled to proceed with the matter in accordance with law.

7. Accordingly, this Criminal Petition is disposed of.

Miscellaneous applications, pending if any, shall stand closed.

**SD/- P.C.SULEKHA DEVI**
**ASSISTANT REGISTRAR**

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**SECTION OFFICER**

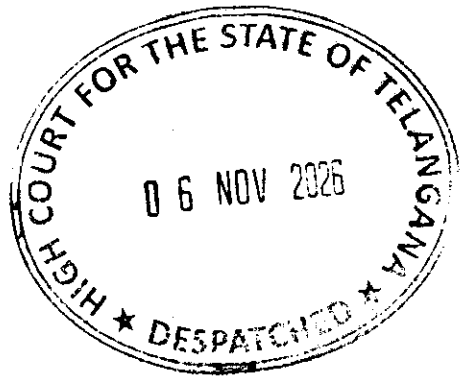
**To,**

1. The V Additional Sessions Judge, Hyderabad
2. The Special Judicial First Class Magistrate for Excise Cases, Hyderabad
3. The Station House Officer, Kalapathar Police Station, Hyderabad
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to Sri Gummalla Bhasker Reddy, Advocate [OPUC]
6. One CC to Sri Koppula Gopal, Advocate [OPUC]
7. Two CD Copies

ABK /GNK

HIGH COURT

DATED: 02/11/2026




ORDER

CRLP.No.17728 of 2026

DISPOSING OF THE CRIMINAL PETITION

10 Copies

6/11/26

R.R