IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17992 OF 2026

Between:

Abbubhai Bloch @ Abedin Bloch, S/o Golmamad Bloch aged about 46 years, Occ. Driver of Lorry Bearing No. GJ37T8529 R/o Nehar no Kanthi, Arya Samaj Road Aram Service Station, Pavan Chakki, Jamanagar Gujarath.

...Petitioner/Appellant/Respondent

AND

1. The State of Telangana, Rep., by Public Prosecutor High court for the state of Telangana at Hyderabad.
2. The Collector(CS), Sanga Reddy District Integrated Collector, Sanga Reddy Town and District
3. The Deputy Tahsildar, (CS) Patancheru Mandal 0/o DCSO Office, Integrated Collectorate At Sanga Reddy district
4. The State of Telangana, through SHO Patyancheru P.S., Sanga Reddy district

...Respondents/Respondents

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 20-7-2026 for no representation in Crl. MP No. 622 of 2025 in Crl. A.SR No. 781 of 2025 by restoring the said Crl. Appeal. SR No. 781 of 2025 on the file of the court of Principal District and Sessions Judge Sanga Reddy district to its original.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri SOMAVARAPU SATYANARAYANA, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of 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.17992 of 2026
CNR.No. HBHC010744662026
Date: 30.10.2026

Between:
Abbubhai Bloch @ Abedin Bloch

...Petitioner

AND

The State of Telangana, and three others

...Respondents

ORDER

This Criminal Petition is filed aggrieved by the order dated 20.07.2026 passed by the learned Principal District and Sessions Judge, Sangareddy, in Crl.M.P.No.622 of 2025 in Crl.A.SR.No.781 of 2025, wherein the petition filed by the petitioner seeking to condone the delay of 42 days in filing the criminal appeal has been dismissed.

2. Heard Mr.Somavarapu Satyanarayana, learned counsel for the petitioner and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondents.

3. Learned counsel for the petitioner submits that the petitioner filed Crl.A.SR.No.781 of 2025, being aggrieved by the order passed by respondent No.2, dated 28.08.2025, whereby the seized stock was confiscated and a penalty of 20% was imposed. The petitioner also filed Crl.M.P.No.622 of 2025, invoking the provisions of Section 5 of the Limitation Act, 1963 seeking condonation of the delay of 42 days in filing Crl.A.SR.No.781 of 2025. The said application was posted to 20.07.2026. However, on the said date, the petitioner's counsel could not appear before the trial Court due to unavoidable circumstances. He further submits that the learned Sessions Judge, without affording an opportunity, much less a reasonable opportunity, to the petitioner to prosecute the matter, passed the impugned order, thereby causing grave hardship and prejudice to the petitioner. He further submits that the parties should not be made to suffer on account of a mistake committed by their counsel. If one more opportunity is afforded to the petitioner to prosecute the matter on merits, no prejudice would be caused to the respondents.

4. *Per contra*, learned Additional Public Prosecutor submits that, though the impugned order was passed by the learned

Sessions Judge on 20.07.2026, the petitioner approached this Court and filed the present criminal petition only on 26.10.2026. He further submits that the petitioner is not diligent in prosecuting his own proceedings and, therefore, the learned Sessions Judge rightly dismissed the application.

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 filed Crl.A.SR.No.781 of 2025, being aggrieved by the order passed by respondent No.2. dated 28.06.2025. Along with the said appeal, the petitioner also filed a petition seeking condonation of the delay of 42 days in filing Crl.A.SR.No.781 of 2025. The learned Sessions Judge dismissed the said petition on the ground that there was no representation on behalf of the petitioner on 20.07.2026. Learned counsel for the petitioner has specifically stated in the memorandum of grounds that, due to unavoidable circumstances and ill health, learned counsel for the petitioner could not appear before the learned Sessions Court on the said date.

6. Taking into consideration the aforesaid facts and circumstances, this Court is of the considered view that, if one more opportunity is afforded to the petitioner to prosecute the matter, no prejudice would be caused to the respondents. It is trite law that parties should not be made to suffer on account of a mistake committed by their counsel. In the present case, the learned Sessions Judge dismissed Crl.M.P.No.622 of 2025 solely on the ground of non-appearance of the learned counsel for the petitioner on the date of hearing.

7. For the foregoing reasons, the impugned order passed by the learned Principal District and Sessions Judge, Sangareddy, in Crl.M.P.No.622 of 2025 in Crl.A.SR.No.781 of 2025, dated 20.07.2026, is liable to be set aside and is accordingly set aside. The learned Sessions Judge is directed to consider the said petition afresh, in accordance with law, within a period of four weeks, subject to the condition that the petitioner shall pay an amount of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to the District Legal Services Authority within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal District and Sessions Judge Sanga Reddy district
2. The Station House Officer, Patyancheru Police Station, Sanga Reddy district
3. One CC to SRI. SOMAVARAPU SATYANARAYANA, Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

ADK/GNK

HIGH COURT

DATED: 30/10/2026



ORDER

CRLP.No.17992 of 2026

DISPOSING OF THE CRLP

(8)
06/11/26
K.K