IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF JANUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION NO: 17915 OF 2025

Between:

Katravath Bichya Naik S/o. Pathya Naik, Aged about 43 years, Occ: Private lecturer, R/o. Lingotam Thanda, Lingotam (v), Achampet Mandal, NagarKurnool-509375

...Petitioner/Respondent

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court of Telangana, Hyderabad.
2. Smt. Katravath Alivela, W/o. Bichya Naik, Aged about 38 years, Occ: Housewife, R/o. Brahmanapally, Chandapur(v), Achampet Mandal, NagarKurnool-509201.
3. K. Himabindu, D/o. Bichya Naik, Aged about 18 years, Occ: Student, R/o. Brahmanapally, Chandapur(v), Achampet Mandal, NagarKurnool-509201

...Respondents/Petitioners

Petition under Section 528 of the BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the common order dated 10-12-2025, passed in Crl.M.P. No. 2810 and 2811 of 2025 in M.C. No. 14 of 2015 by the Judicial Magistrate of First Class, Achampet.

I.A. NO: 2 OF 2025

Petition under Section 528 of the 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 in common order dated 10-12-2025, passed in Crl.M.P. No. 2810 and 2811 of 2025 in M.C. No. 14 of 2015 by the Judicial Magistrate of First Class, Achampet and grant such other relief or reliefs in the circumstances of the case to secure the ends of Justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Janardhan Goud Sunkari, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor on behalf of the Respondent No.1-State and None appeared for the Respondent Nos.2 and 3.

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.17915 OF 2025

DATE: 21-01-2026

Between:

Katravath Bichya Naik

... Petitioner

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court of Telangana, Hyderabad
and two others

... Respondents

ORDER:

This Criminal Petition is filed by the petitioner seeking to quash the common order, dated 10.12.2025, passed in Crl.M.P.Nos.2810 and 2811 of 2025 in M.C.No.14 of 2015 by the learned Judicial Magistrate of First Class, Achampet, whereby, the applications filed by respondent Nos.2 and 3 herein seeking to reopen the case and to recall PW.1 for the purpose of marking certain documents, are allowed.

2. Heard Sri Janardhan Goud, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1-State.

3. Learned counsel for the petitioner submitted that the trial Court has made an error in recalling PW.1 and that there is no necessity to recall PW.1 to receive the documents. He further submitted that the process of trial is already completed and the matter is posted for arguments and that at this stage, recalling PW.1 is not just and proper. He further submitted that respondent Nos.2 and 3 have not put-forth any cogent reasons for recalling PW.1 and thus, there are no merits in the petitions. He, therefore, prayed to set aside the impugned common order, dated 10.12.2025.

4. Learned Additional Public Prosecutor submitted that the trial Court has passed a reasoned order and that PW.1 was examined, but the proposed documents were not marked through her at the earlier point of time. He further submitted that the documents which are proposed to be filed are essential to prove the case of respondent Nos.2 and 3 herein, because the

petitioner is denying the very paternity of the child. He, therefore, prayed to dismiss the Criminal Petition.

5. Perused the record.

6. Respondent Nos.2 and 3 herein are alleged to be the wife and daughter, respectively, of the petitioner herein. Respondent Nos.2 and 3 filed M.C.No.14 of 2015 on the file of learned Judicial Magistrate of First Class, Achampet, under Section 125 Cr.P.C., seeking maintenance from the petitioner. In the said M.C., the respondent Nos.2 and 3 have filed Crl.M.P.Nos.2810 and 2811 of 2025 seeking to reopen the case and to recall PW.1 for the purpose of marking certain documents. The case of respondent Nos.2 and 3 is that the proposed documents were not available with them at the earlier point of time; that now they are traced out; and that they intend to get the same marked. A perusal of the depositions placed on record reveals that the petitioner is denying his marriage with respondent No.2 and that specific questions are put to respondent No.2 in the cross-examination with regard to the denial of marriage. PW.1 has filed only one document i.e., Ex.P1, which is the marriage photograph of petitioner and respondent No.2. The said document is also marked subject to

objection, as the said photograph is filed without negative. It is also pertinent to mention in this regard that since the petitioner is denying the paternity of respondent No.3, earlier a petition was filed before the trial Court for conducting DNA test, which was allowed by the trial Court and the said order was confirmed by this Court, but the Honourable Supreme Court has set aside the same *vide* S.L.P.(Crl.).No.7516 of 2021, dated 28.01.2025. Thus, there is serious dispute with regard to the relationship between the petitioner and respondent Nos.2 and 3, which needs to be proved to proceed with for just decision in the M.C. Thus, the trial Court has expressed its reasons for allowing the present petitions for reopening the case and recalling PW.1. Admittedly, the case is at the stage of arguments. The M.C. pertains to the year 2015. Recalling the witness would take some more time, but since it is essential to establish the relationship, recalling of PW.1 is justified for receiving the proposed documents. The petitions filed before the trial Court does not disclose any details of the documents to be marked, however, during the course of arguments it is submitted that respondent Nos.2 and 3 intend to file certain documents, which prove the marriage of respondent No.2 with the petitioner. Therefore, there is no error committed by the trial

Court in allowing the petitions. The contention of the petitioner's counsel is that in spite of the orders of the Honourable Supreme Court to dispose of the matter at the earliest, the trial Court is getting the matter prolonged. But the present petitions are allowed for the reason that respondent Nos.2 and 3 should be given an opportunity to prove their case by filing certain documents, which are essential for just decision of the case. A single opportunity may be given to respondent Nos.2 and 3 by fixing a date of hearing and on the said date, the witness can be allowed to produce the documents and the petitioner's counsel can complete the cross-examination on the same day, so that it would lead to a just decision by the trial Court. The trial Court, however, shall not grant any further adjournment after that and shall dispose of the matter at the earliest.

7. Subject to the above, the Criminal Petition is disposed of.

Miscellaneous Petitions pending, if any, shall stand closed.

Sd/- Sd/- C. DEEPIKA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Achampet.
2. Two CCs to the Public Prosecutor, High Court of Telangana at Hyderabad [OUT]
3. One CC to Sri Janardhan Goud Sunkari, Advocate [OPUC]
4. Two CD Copies

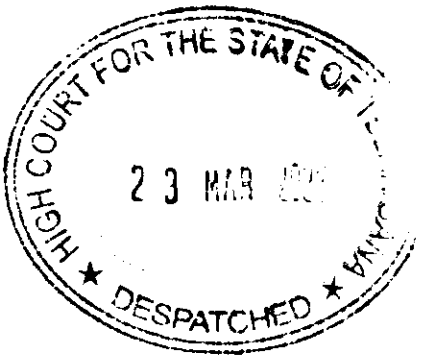
GNK/DL

HIGH COURT

DATED: 21/01/2026

ORDER

CRLP.No.17915 of 2025



DISPOSING THE CRIMINAL PETITION

20/2/26