

**IN THE COURT OF THE SPECIAL JUDGE FOR TRIAL OF OFFENCES UNDER
S.Cs AND S.Ts(POA) ACT-CUM-VI-ADDITIONAL SESSIONS JUDGE ::
SECUNDERABAD**

Present: G. VENU,
Spl. Judge for SCs & STs(POA) Act cum
VI - Addl. Sessions Judge, Secunderabad.

FRIDAY, THE 10th DAY OF APRIL, 2026

CRIMINAL REVISION PETITION No.119 of 2022

in

S.R. NO.6437 of 2025

(on the file of learned XI - ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SECUNDERABAD)

Between:

M/s. ORIENT CEMENT LTD,
Prop. M/s. Orient Paper & Industries Ltd.,
H.No.5-9-22/5/D, 2nd & 3rd Floor,
G.P. Birla Center, Adarsh Nagar,
Hyderabad, represented by its
authorized Rep **PANKAJ PATNI.**

...Revision Petitioner/ Petitioner/ Complainant

AND

1. M/s in Venkateshwara Hardware Cement
Proprietor Shri B.Karunakar Reddy,
Hunter Road, Hanamkonda, Warangal District, Telangana State.

Shri B. Karunakar Reddy,
Proprietor of M/s Sri Venkatesh Hardware & Cement
Hunter Road, Hanamkonda, Warangal District, Telangana Stat

Also at

Shri B. Karunakar Reddy,
Proprietor of M/s. Sri Venkateshwara Hardware & Cement,
At D.No.2-4-204,/8/10/44, Jamuna Nilayam,
KUDA Colony, Hanamkonda, Warangal District, Telangana State.

Also at

Shri B.Karunakar Reddy,
Proprietor of M/s. Sri Venkateshwa Hardware & Cement,
At Nasenpalli, Nr. Girnibavi, Narsanipet (Mandal),
Warangal District, Telangana State. ...Respondents/ Respondents/Accused

2.The state of Telangana through Public Prosecutor
...Respondent/ Respondent

This Revision petition is coming before me for final hearing on 09.04.2026 and upon perusing the grounds of petition, trial court record and considering the arguments of Sri G. ASHOK REDDY & others, Advocates for the Revision Petitioner/ Petitioner/ Complainant and having stood over for consideration till this day, this court delivered the following :-

:: O R D E R ::

1) Aggrieved by the docket order dated 28.10.2016 passed by learned XI-Addl. Chief Judicial Magistrate, Secunderabad in the petition filed under Section 142 of N.I.Act vide S.R. No.6437 of 2025, in dismissing the petition, petitioner/ complainant therein, filed this Revision.

2) As per the contention of counsel for the Revision Petitioner, Complainant being the public limited company represented by its authorised officer filed complaint against the Respondent for dishonor of cheque before the IV - Additional Judicial Magistrate of First Class Court, Warangal, but it was returned to file before the competent court in view of amendment carried out to section 142 of N.I.Act. Hence, Complainant - company filed it along with the petition under Sec.142(1)(b) Provisio of N.I. Act before the learned XI - Additional Chief Judicial Magistrate, Secunderabad to condone the delay in filing the said complaint before it. Further, though the Complainant - company paid cost of Rs.100/- as ordered by the court for resubmitting the complaint with delay and also filed a memo to that effect on 02.03.2016, learned Magistrate erroneously

kept the said petition pending for consideration without being allotted any number to it. As it learnt that Presiding Officer was on leave for quite some time in view of open heart surgery was performed to him, matter was not listed before the bench and accordingly, no dates were given, the authorised representative of the company could not track the matter despite his regular follow up with the office of the court. Even then, as the learned Magistrate without being given any intimation / notice to the Complainant - company, listed the matter behind back on 16.08.2016, 23.09.2016, 19.10.2016 and finally, on 28.10.2016, but dismissed the same for non representation before the court of law. As the complaint was filed for the offence under Sec.138 of N.I. Act for the dishonor of the cheque issued for an amount of Rs.13,34,256/-, learned Magistrate ought to have seen that an opportunity be given, but dismissed the same. As the complainant - company was a listed public limited company and it is its duty bound to protect the interest of its share holders, petition needs to be restored, else great prejudice will be caused to the Complainant - company besides cause monetary loss. Thus, as the impugned order suffers from illegality and irregularity, it is required to be set aside. Accordingly, prayed to allow this petition.

3. Notice was ordered to serve on the respondent through registered post with acknowledgement due, but the said notice was returned un-served with postal endorsement of 'Door lock'. Thus, respondent did not choose to make

his appearance. Even the notice in the petition filed for condoning the delay in preferring this Revision was also ordered to serve through registered post as well as paper publication, Respondent did not choose to make his appearance. Having considered the same, the Honourable Metropolitan Sessions Judge was constrained to allow the petition filed for condoning the delay of 155 days and later, made over this Revision petition to this court in order to dispose the same in accordance with the law.

4) Heard the counsel for the revision petitioner. Perused the record.

Now the point for consideration is:-

Whether the impugned docket order dt. 28.10.2016 passed by the learned XI - Additional Chief Judicial Magistrate, Secunderabad in a petition filed under Sec.142 of NI Act to condone the delay in filling the compliant for the offence under Sec.138 of N.I. Act suffers from any irregularity or illegality and the same needs to be interfered with by this court ?

POINT:

5) The perusal of certified copy of the docket order passed by learned XI - Additional Chief Judicial Magistrate goes to show that as there was not representation for the Complainant - company, he pleased to dismiss the petition. It is not disputed fact that Complainant - company filed complaint initially before the IV - Additional JMFC Court, Warangal, but due to amendment carried out to Sec.142 of N.I. Act, it was returned for filing before the XI -

Additional Chief Judicial Magistrate, Secuderabad. While re-filing the said complaint, he filed the petition under Sec.142(1)(b) of N.I Act to condone the delay and even, paid cost of Rs.100/- in resubmitting the same with a delay. Even then, it appears that without applying the mind, learned Magistrate dismissed the petition. As it is also not a disputed fact that during the relevant period, learned Presiding Officer was frequently on leave due to open heart surgery was preformed to him, having considered the same, this court is of the view that in the absence of a Presiding Officer, as the business of the court would be in pel-mel condition and for the reason why only, authorised representative of the complainant - company could not track the matter for lack of communication with the concerned ministerial staff of the court, dismissing the petition without being given any fair opportunity by way of issuing a notice to the complainant company when it is a public limited company would amount to erroneous one. Thus, as the impugned order suffers from irregularity & illegality, it certainly needs to be set aside. Hence, this Revision deserve to be allowed.

In the result: this Criminal Revision is allowed directing the learned Magistrate to restore the petition and decide the same on merits by giving fair opportunity of hearing to both side parties of the petition.

Typed to my dictation by the Sr. Asst., corrected and pronounced by me in the open court on this the 10th day of April, 2026.

Spl. Judge for SCs & STs (POA)
Act - cum - VI Addl. Sessions Judge,
Secunderabad.