

IN THE COURT OF THE SESSIONS JUDGE :: HYDERABAD

Dated this the 03rd day of August, 2026

Present: Smt K.Sai Rama Devi,
Sessions Judge,
Hyderabad.

CRIMINAL REVISION PETITION NO.108/2026
IN
CRIMINAL MISCELLANEOUS PETITION NO.326/2026 OF
XII ADDITIONAL CHIEF JUDICIAL MAGISTRATE, HYDERABAD.

BETWEEN:-

The State of Telangana through Assistant
Commissioner of Police, PS., Nampally,
Hyderabad.

.....Revision Petitioner/Complainant.

AND

Mahboob Alam Khan, S/o: Shah Alam Khan,
Aged about 80 years, Occupation: Business,
R/o: H.No.3-4-762, Rahat Kada, Barkatpura,
Kachiguda, Hyderabad.

.....Respondent/Accused No.2.

This revision petition is filed by the petitioner through Public Prosecutor under Section 438 of BNSS., challenging the order dated 22.06.2026 in Crl.MP.No.326/2026 in Cr.No.206/2026 of PS., Nampally, Hyderabad passed by the XII Additional Chief Judicial Magistrate, Hyderabad.

This revision petition is coming before me for hearing upon perusing the revision petition and upon hearing the arguments of Smt T.Rajya Lakshmi, Advocate for the Revision Petitioner, and Sri Mohd Muzaferullah Khan, Advocate for the respondent/accused No.2, and this Court made the following:-

:: ORDER ::

1. This Criminal Revision Petition is filed under section 438 of the BNSS, 2023, challenging the order dated 22.06.2026 passed by the learned XII Additional Chief Judicial Magistrate, Hyderabad, in Crl.M.P. No.326 of 2026 in Crime No.206 of 2026 of Nampally Police Station, whereby the petition filed by the complainant seeking police custody of the respondent/accused was dismissed.

2. The case of the prosecution is that the accused persons, due to longstanding disputes over Waqf properties and personal enmity with the deceased, Advocate Khaja Moizuddin, entered into a criminal conspiracy to eliminate him by disguising the murder as a road accident. In furtherance of the conspiracy, on 23.05.2026 at about 5:45 A.M., the accused intentionally rammed a Mahindra Scorpio into the deceased near his residence at Shanti Nagar, Hyderabad, causing grievous injuries, to which he later succumbed while undergoing treatment.

3. During investigation, the police conducted a scene of offence panchanama, secured CCTV footage, collected material objects, and analysed Call Detail Records (CDRs), tower location data, and other digital evidence. The investigation allegedly revealed coordinated movements of the accused before, during, and after the offence. Based on the disclosure statements of the arrested accused, recoveries of cash, mobile phones, the offending vehicle, and other incriminating material were effected. The prosecution contends that the oral, documentary, electronic, and scientific evidence collected during investigation prima facie establishes the involvement of the accused in the commission of the offence, while some of the accused are still absconding.

4. Aggrieved by the order of the trial court, the revision petitioner contends that the present case pertains to a brutal and premeditated murder committed pursuant to a criminal conspiracy. The investigation has revealed prima facie material indicating that the respondent/A2, along with the other accused, actively participated in the conspiracy to eliminate the deceased. The investigation is still at a crucial stage and the true nature, scope and extent of the conspiracy have not yet been fully unearthed.

5. The revision petitioner further submits that custodial interrogation of respondent/A2 is indispensable to ascertain the complete conspiracy, identify the role

of each accused, trace the absconding accused, verify the financial transactions relating to the contract money, recover further incriminating material, and analyse electronic and digital evidence, including mobile phones, Call Detail Records (CDRs), location data and other documentary evidence. According to the prosecution, such information cannot be effectively elicited through interrogation while the accused remains in judicial custody.

6. It is further contended that the learned Magistrate dismissed the custody petition mainly on the ground that A1 had already been subjected to police custody. The said reasoning is erroneous, as the investigation concerning respondent/A2 stands on a different footing. The prosecution requires independent custodial interrogation of respondent/A2 to verify his specific role in the conspiracy and to secure information leading to the apprehension of the absconding accused.

7. The revision petitioner also submits that the investigation has disclosed that immediately before the arrest of respondent/A2, the absconding accused switched off their mobile phones, abandoned their known locations and absconded. The custodial interrogation of respondent/A2 is likely to reveal their present whereabouts, hideouts, communication channels and other relevant facts necessary for their apprehension and for effective completion of the investigation.

8. It is further submitted that the investigation agency has collected CCTV footage, witness statements, electronic evidence, CDR analysis, recoveries and other material which prima facie disclose the involvement of the accused. However, further custodial interrogation of respondent/A2 is essential to corroborate the existing evidence, recover additional incriminating material, verify the chain of events and discover the complete truth behind the offence.

9. According to the revision petitioner, the learned Magistrate failed to appreciate the gravity of the offence, the stage of investigation and the necessity for custodial interrogation. The impugned order has resulted in serious prejudice to the investigation and is therefore liable to be set aside.

10. The revision petitioner lastly submits that the police custody sought is only for a limited period of two days, and the investigating agency undertakes to conduct the interrogation strictly in accordance with law while safeguarding the constitutional and legal rights of respondent/A2. Hence, it is prayed that the impugned order be set aside and police custody of respondent/A2 for two days be granted in the interest of a fair, effective and comprehensive investigation.

11. The learned counsel for the respondent/accused vehemently opposed the petition, but no counter is filed on his behalf.

12. Heard the learned counsel for the revision petitioner and the learned counsel for the respondent/accused.

13. Perused the impugned order and the material available on record.

14. Now the point for consideration is "Whether the revision petitioner has made out sufficient grounds to set aside the order dated 22.06.2026 passed in Crl.M.P. No.326/2026 by the learned XII Additional Chief Judicial Magistrate, Hyderabad, and to grant police custody of respondent/A2 for two days?"

POINT:-

15. A perusal of the material on record shows that the case relates to a well-planned murder allegedly committed pursuant to a criminal conspiracy. The investigation is still in progress and, according to the prosecution, the larger conspiracy, the role of the respondent/A2, the whereabouts of the absconding accused, the source and distribution of contract money, and the collection of electronic and documentary

evidence are yet to be fully unearthed.

16. The prosecution has specifically contended that custodial interrogation of respondent/A2 is essential to trace the absconding accused, recover further incriminating material, verify digital communications and financial transactions, and ascertain the complete scope of the conspiracy. It is also stated that the request for custody of A2 stands on a different footing from that of A1, as the investigation concerning A2 requires independent interrogation.

17. At this stage of investigation, custodial interrogation is a recognized mode of effective investigation and cannot be substituted by ordinary questioning where the investigating agency has shown specific and valid reasons necessitating police custody. The reasons assigned by the learned Magistrate for rejecting the custody petition are not sustainable in the facts and circumstances of the case.

18. Having regard to the gravity of the offence, the stage of investigation, the existence of absconding accused, and the necessity to collect further evidence, this Court is of the considered opinion that the investigating agency has made out sufficient grounds for granting limited police custody of respondent/A2. Accordingly, the Criminal Revision Petition is allowed.

19. In the result, the revision petition is allowed. The order dated 22.06.2026 passed by the learned XII Additional Chief Judicial Magistrate, Hyderabad, in Crl.M.P. No.326 of 2026 in Crime No.206 of 2026 of Nampally Police Station, is hereby set aside, with certain conditions as follows:-

Mahboob Alam Khan/A2 shall be given in custody for two days to the SHO, Nampally PS, Hyderabad from 06.08.2026 to 07.08.2026.

The SHO, Nampally PS, Hyderabad, shall not use any threat, coercion or use any third degree methods against the accused during the course of interrogation.

After completion of the interrogation, the accused shall be medically examined and produced before the XII Additional Chief Judicial Magistrate, Hyderabad by 4.30 PM on 07.08.2026 without fail.

The Superintendent/Jailor, Central Prison, Chanchalguda, Hyderabad, is directed to handover the respondents/A2 to the SHO, Nampally PS, Hyderabad by 10.00 AM on 06.08.2026.

Typed on my dictation by the Stenographer Gr-I, corrected and pronounced by me in the open Court, on this the 03rd day of August, 2026.

Sd/-
SESSIONS JUDGE
HYDERABAD

DIS. NO. _____/2026/SJ/JW/HYD DATED: _____-08-2026

To:
The Superintendent, Central Prison, Chanchalguda, Hyderabad.

Copy to

- 1.The XII Additional Chief Judicial Magistrate, Hyderabad.
- 2.The SHO., PS., Nampally, Hyderabad.
- 3.The Public Prosecutor, Sessions Judge Court, Hyderabad.
- 4.The Counsel for respondent/accused No.2.

//T.C.F.B.O//