

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

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION Nos.902, 1312 and 1315 OF 2026

CRIMINAL PETITION NO: 902 OF 2026

Between:

1. Boppu Srihari, S/o.Late Rajamallu, Aged about 57 years, Occ: Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal, Karimnagar District, T.G.
2. Boppu Vasu, S/o.B.Srihari, Aged about 34 years, Occ: Agriculture, R/o.H.No.9-2-76, Godamgadda, Karimnagar Town and Mandal, Karimnagar District, T.G.
3. Boppu Devendar, S/o.B.Srihari, Aged about 33 years, Occ: Agriculture, R/o.H.No.9-2-76, Godamgadda, Karimnagar Town and Mandal, Karimnagar District, T.G.

...Petitioners/Accused No.1 to 3

AND

1. The State of Telangana, Through P.S. Manakondur Rep. by its Spl. Public Prosecutor, High Court at Hyderabad.

...Respondent

2. Burrannagari Ramana Rao, S/o.Venkat Rao Aged about 60 years, Occ and Agriculture R/o.H.No.9-1-191/1, Bhaghat Nagar Karimnagar Town and Mandal Karimnagar District, T.G.

...Respondent/De-facto 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 quash the Criminal Proceedings against the Petitioners/Accused No.1 to 3 in C.C.No.763 of 2024 on the file of Special Judicial Magistrate of First Class For Trial of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar.

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 grant stay of all further proceedings including appearance of the Petitioners/Accused No.1 to 3 in C.C.No.763 of 2024 on the file of Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar, pending disposal of the main Criminal Petition.

CRIMINAL PETITION NO: 1312 OF 2026

Between:

1. Boppu Srihari, S/o.Late Rajamallu Aged about 57 years, Occ . Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal Karimnagar District, T.G.
2. Boppu Devendar, S/o.B.Srihari Aged about 33 years, Occ . Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal Karimnagar District, T.G.
3. Boppu Vasu, S/o.B.Srihari Aged about 34 years, Occ . Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal Karimnagar District, T.G.

...Petitioners/Accused No.1 to 3

AND

1. The State of Telangana, Through P.S. Manakondur, Karimnagar, Rep. by its Spl. Public Prosecutor, High Court at Hyderabad.

...Respondent

2. Burrannagari Ramana Rao, S/o.Venkat Rao Aged about 60 years, Occ . Agriculture R/o.H.No.9-1-191/1, Bhaghat Nagar Karimnagar Town and Mandal Karimnagar District, T.G.

...Respondent/De-facto 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 quash the Criminal Proceedings against the Petitioners/Accused No.1 to 3 in C.C.No.755 of 2024 on the file of Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar.

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 grant stay of ail further proceedings including appearance of the Petitioners/Accused No.1 to 3 in C.C.No.755 of 2024 on the fie of Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar, pending disposal of the main Criminal Petition.

CRLP NO: 1315 OF 2026

Between:

1. Boppu Srihari, S/o.Late Rajamallu Aged about 57 years, Occ . Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal Karimnagar District, T.G.
2. Boppu Devendar, S/o.B.Srihari Aged about 33 years, Occ . Agriculture R/o.H.No.9-2-76, Godamgadda Karimnagar Town and Mandal Karimnagar District, T.G.

...Petitioners/Accused No.1 & 2

AND

1. The State of Telangana, Through P.S. Manakondur Rep. by its Public Prosecutor, High Court at Hyderabad

...Respondent

2. Burrannagari Ramana Rao, S/o.Venkat Rao Aged about 60 years, Occ . Agriculture R/o.H.No.9-1-191/1, Bhaghat Nagar Karimnagar Town and Mandal Karimnagar District, T.G.

...Respondent/De-facto 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 quash the Criminal Proceedings against the Petitioners/Accused No.1 and 2 in C.C.No.754 of 2024 on the file of Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar.

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 grant stay of all further proceedings including appearance of the Petitioners/Accused No.1 & 2 in C.C.No.754 of 2024 on the file of Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar, pending disposal of the main Criminal Petition.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petitions and upon hearing the arguments of Sri C Hari Preeth, Advocate for the Petitioners in all CRLPs and Sri Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of Respondent No.1 in all CRLPs and of Sri B Arjun, Advocate for the Respondent No.2 in all CRLPs.

The Court made the following: COMMON ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION Nos.902, 1312 and 1315 of 2026

Date: 05.05.2026

Criminal Petition No.902 of 2026

Between:

Boppu Srihari and two others

...Petitioners/accused Nos.1 to 3

AND

The State of Telangana and another

...Respondents

CRIMINAL PETITION No.1312 of 2026

Between:

Boppu Srihari and two others

...Petitioners/accused Nos.1 to 3

AND

The State of Telangana and another

...Respondents

CRIMINAL PETITION No.1315 of 2026

Between:

Boppu Srihari and another

...Petitioners/accused Nos.1 and 2

AND

The State of Telangana and another

...Respondents

COMMON ORDER

Criminal Petition No.902 of 2026 is filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.763 of 2024 pending on the file of the Special Judicial Magistrate of First Class for Trial of Cases under Telangana

Prohibition and Excise Act-cum- IV Additional Junior Civil Judge at Karimnagar, for the offences punishable under Sections 341, 447, 427 and 506 read with 34 of the Indian Penal Code, 1860.

Criminal Petition No.1312 of 2026 is filed by the petitioners/accused Nos.1 to 3 seeking to quash the proceedings in C.C.No.755 of 2024 pending on the file of the Special Judicial Magistrate of First Class for Trial of Cases under Telangana Prohibition and Excise Act-cum-IV Additional Junior Civil Judge at Karimnagar, for the offences punishable under Sections 341, 447, 427 and 506 read with 34 of the Indian Penal Code, 1860.

Criminal Petition No.1315 of 2026 is filed by the petitioners/accused Nos.1 and 2 seeking to quash the proceedings in C.C.No.754 of 2024 pending on the file of the Special Judicial Magistrate of First Class for Trial of Cases under Telangana Prohibition and Excise Act-cum-IV Additional Junior Civil Judge at Karimnagar, for the offences punishable under Sections 341, 447, 427 and 506 read with 34 of the Indian Penal Code, 1860.

2. Heard Mr. C. Hari Preeth, learned counsel for the petitioners, Mr. Jithender Rao Veeramalla, learned Additional Public

Prosecutor for respondent No.1 and Mr. B. Arjun, learned counsel for respondent No.2 in all the criminal petitions.

3. With the consent of both the learned counsel, these criminal petitions are disposed of at the admission stage on the ground that even according to the learned counsel for the petitioners, the matters before the learned Trial Court has not ripened for the trial yet. In view of the same, notice in respect of respondent No.2 is dispensed with.

4. Learned counsel for the petitioners submits that the learned Magistrate, without recording satisfaction and without assigning any reasons, has taken cognizance against the petitioners and issued summons mechanically and passed cryptic docket orders dated 02.04.2026. Therefore, the docket orders passed by the learned Magistrate are liable to be quashed.

5. Learned Additional Public Prosecutor has not opposed the submissions made by the learned counsel for the petitioners.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the learned Magistrate has taken cognizance,

without recording satisfaction and without assigning any reasons against the accused and not against the offences, through docket orders.

7. It is very much relevant to mention that in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹ the Hon'ble Supreme Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has to record reasons for summoning a person. In *GHCL Employees Stock Option Trust v. India Infoline Limited*², the Hon'ble Apex Court found fault with the order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In *Chief Enforcement Officer v. Videocon International Limited*³, the Hon'ble Supreme Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would involve application of mind by the Magistrate to the suspected commission of an offence. The

¹ (2015) 4 SCC 609

² (2013) 4 SCC 505

³ (2008) 2 SCC 492

Hon'ble Supreme Court in *Sunil Bharati Mittal's case (Supra)*, further held as follows:

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not."

8. In *Fakhruddin Ahmad v. State of Uttaranchal and another*⁴, it is held as follows:

"Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender."

9. In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to *supra*, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should

⁴ (2008) 17 SCC 157

be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

10. For the foregoing reasons and in view of the principles laid down by the Hon'ble Apex Court in the judgments cited *supra*, and without going into the other grounds, this Court is of the considered view that the cognizance orders are liable to be quashed and accordingly quashed. However, this order will not preclude the learned Magistrate from taking cognizance and passing orders afresh in accordance with law, by giving reasons.

11. Accordingly, the criminal petitions are disposed of.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- V.HARI PRASAD
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class For Trial Of Cases Under Telangana Prohibition And Excise Act-Cum-IV Additional Junior Civil Judge at Karimnagar
2. The Station House Officer, Manakondur Police Station, Karimnagar
3. One CC to Sri C Hari Preeth, Advocate [OPUC]
4. One CC to Sri B Arjun, Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

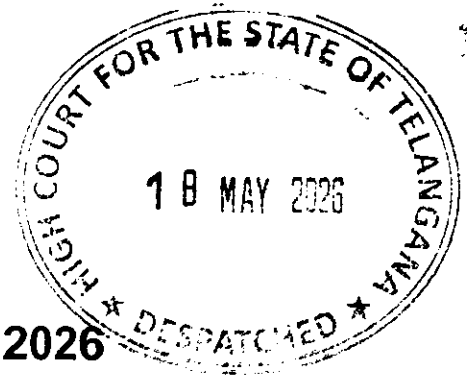
ADK/KA

HIGH COURT

DATED: 05/05/2026

COMMON ORDER

CRLP.Nos.902, 1312 and 1315 of 2026



DISPOSING OF ALL THE CRLPs

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