



2025:TSHC:51921-DB

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN
IN/ AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

INTERLOCUTORY APPLICATION NO. 1 OF 2017

IN/AND

CRIMINAL APPEAL NO: 1153 OF 2017

CRIMINAL APPEAL NO: 1153 OF 2017

Crl.Appeal Under Section 378 (3) & (1) of Cr.P.C. against the judgment in
S.C.No. 279 of 2011 dated 29-04-2016 on the file of the Court of the Metropolitan
Sessions Judge, Hyderabad.

Between:

The State of Telangana rep. by the Public Prosecutor, High Court at Hyderabad.

...APPELLANT/ Complainant

AND

1. Mohd. Kaleemullah @ Kaleem, S/o. Late Mohd. Habeebullah, aged 52 years
2. Mohd. Waliullah Sameer, S/o. Mohd. Kaleemullah,

(Both are in occupation of construction business, Bearing premises No.10-5-
12/2/30, Flat No.305-A, II Floor, Silver Oak Complex, Opposite Khaja
Mansion, Masab Tank, Hyderabad, R/o. H.No.8-1-398/A/32/1, Janakinagar
Colony, Towlichowki. Hyderabad.)
Accused

...RESPONDENTS/

I.A. NO: 1 OF 2017(CRLAMP. NO: 2325 OF 2017)

Petition under Section 5 of Limitation Act praying that in the circumstances
stated in the affidavit filed in support of the petition, the High Court may be
pleased to condone the delay of " 427 days" in presenting the appeal against the
order of acquittal of the accused/respondents in S C.No.279/2011 on the file of the
Metropolitan Sessions Judge. Hyderabad, dated 29.4.2016.



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Counsel for the Appellant: SRI SYED YASAR MAMOON,
ADDITIONAL PUBLIC PROSECUTOR

Counsel for the Respondent No.2 / Accused No.2 : SRI V. SURENDER RAO

The Court delivered the following COMMON JUDGMENT :



2025:TSHC:51921-DB

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE K. LAKSHMAN
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

INTERLOCUTORY APPLICATION No.1 of 2017
in/and

CRIMINAL APPEAL No.1153 of 2017

DATE OF JUDGMENT: 03.12.2025

Between:

The State of Telangana represented by the Public Prosecutor, High
Court at Hyderabad.

AND

Appellant.

Mohd. Kaleemullah and another.

Respondents.

COMMON JUDGMENT (Per Hon'ble Sri Justice K.Lakshman)

Heard Mr.Syed Yasar Mamoon, learned Additional
Public Prosecutor appearing for the appellant – State and
Mr.V.Surender Rao, learned counsel for respondent
No.2/accused No.2.

2. During the course of hearing, it is brought to the notice
of this Court that accused No.1 is no more and learned counsel



for respondent No.1 has filed a memo along with copy of the death certificate of respondent No.1/accused No.1.

3. I.A.No.1 of 2017 is filed to condone the delay of 427 days in preferring the present appeal challenging the Judgment dated 29.04.2016 in S.C.No.279 of 2011 passed by the learned Metropolitan Sessions Judge, Hyderabad, acquitting the accused.

4. In paragraph No.3 of the affidavit filed in support of I.A.No.1 of 2017, it is stated that the impugned Judgment was pronounced on 29.04.2016. An application was made for the certified copy of the Judgment and it was made ready on 10.05.2016. After obtaining Judgment copy, the Commissioner of Police, Hyderabad City, sent the same through proper channel to the learned Additional Public Prosecutor, Hyderabad, for his opinion. After receipt of the Judgment copy, learned Additional Public Prosecutor has offered his opinion on 16.05.2016 and sent the same through proper channel to the Commissioner of Police, Hyderabad City. On



receipt of the said opinion, *vide* his Lr.No.L&O/N5/5829/2016, dated 03.06.2016, sent the proposal to the learned Public Prosecutor, which was received on 16.06.2016. Learned Public Prosecutor sent his opinion to the Government on 13.07.2016 to sanction the permission to file the appeal. Government in its G.O.Rt.No.572, dated 07.09.2016, accorded sanction to file the present appeal, which was received by the office of the learned Public Prosecutor only on 07.10.2016. Learned Public Prosecutor sent message to the Commissioner of Police, Hyderabad City, on 04.11.2016 to depute the concerned officer to file the delay affidavit. On receipt of the said information, the Sub-Inspector of Police, Banjara Hills Police Station, was deputed to file delay application and accordingly, he filed the affidavit. The said affidavit was sworn and filed on 05.11.2016. Learned Public Prosecutor filed the present appeal on 23.08.2017. Thus, there is a delay at every stage.



5. Though the affidavit was sworn on 05.11.2016, the present appeal was filed only on 23.08.2017. Thus, there is a delay of almost ten (10) months. Therefore, the explanation offered by the State to condone the delay of 427 days in preferring the appeal is not satisfactory.

6. In the light of the same, I.A.No.1 of 2017 is liable to be dismissed and accordingly, it is dismissed. Consequently, Crl.A.No.1153 of 2017 is hereby dismissed.

As a sequel thereto, miscellaneous applications, if any, pending in the Criminal Appeal shall stand closed.

Sd/- P. CH. NAGABHUSHAMBA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Metropolitan Sessions Judge, Hyderabad.
2. The III Additional Chief Metropolitan Magistrate, Hyderabad.
3. The Station House Officer, Banjara Hills Police Station, Hyderabad.
4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to Sri V. SURENDER RAO, Advocate (OPUC)
6. Two CD Copies

kul/DL



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HIGH COURT

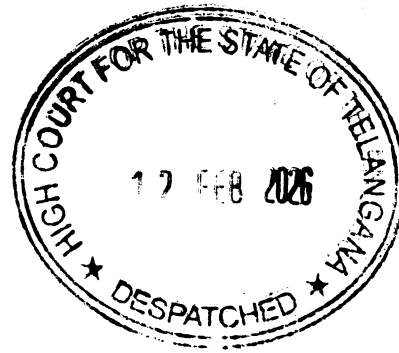
DATED:03/12/2025

COMMON JUDGMENT

I.A. NO. 1 OF 2017

IN/AND

CRL.APPEAL No.1153 of 2017



DISMISSING THE I.A. NO. 1 OF 2017

AND CRL.APPEAL

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19/12/25