

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
CRLP NO: 5966 OF 2026

Between

Salaam Bin Islam Dayani,, S/o Islam Bin Şalaam Dayani,

.....PETITIONER/Accused No.2

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad, Through Station House Officer, Shah Ali Banda Police Station, Hyderabad

2. Sri Hussain Bin Ali,, S/o Late Ali Bin Abdul Rub, Occ Business, R/o H. No. 18-9-444, Chandrayangutta, Keshavgiri, Hyderabad

Respondents

WHEREAS the Petitioner above named through his Advocate SRI. SHAIK SAIFULLAH presented this Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the CRIMINAL PETITION, the High Court may be pleased to Call for the records relating to C.C. No. 452 of 2022 on the file of the Court of the XVI Addl. Chief Metropolitan Magistrate at Nampally. Hyderabad, arising out of Crime No. 173 of 2012 of Shah Ali Banda Police Station, and after examining the same, be pleased to quash the proceedings against the petitioner/Accused No. 2.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri. SHAIK SAIFULLAH Advocate for the Petitioner, and Additional Public Prosecutor, for the Respondent No.1 directed issue of notice to the Respondent No.2 herein to show cause as to why this CRIMINAL PETITION should not be admitted.

You viz:

Sri Hussain Bin Ali,, S/o Late Ali Bin Abdul Rub, Occ Business, R/o H. No. 18-9-444, Chandrayangutta, Keshavgiri, Hyderabad.

are directed to show cause on or before 22.06.2026 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CRIMINAL PETITION should not be admitted.

I.A. NO: 2 OF 2026

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the affidavit/grounds filed in support of the CRIMINAL PETITION, the High Court may be to direct the Court of the XIV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, to dispose of C.C. No. 452 of 2022 as expeditiously as possible, preferably within a period of six (06) months from the date of receipt of a copy of the order of this Court.

The Court made the following:

ORDER

Upon perusal of the record it reveals that the learned Magistrate on 05.02.2022 has taken cognizance for the offences under Sections 420 and 506 r/w 34 of the Indian Penal Code, 1860 against accused Nos.1 to 5 and issued summons.

It is trite law that the learned Magistrate ought to have taken cognizance against offences and not against accused as per the principles laid down by the Hon'ble Apex Court in *Sunil Bharati Mittal v. Central Bureau of Investigation*¹ and *Fakhruddin Ahmad v. State of Uttaranchal and another*².

In view of the same, issue notice before admission.

Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 through speed post with acknowledgment due and file proof of service.

Post on 22.06.2026.

¹ (2015) 4 SCC 609

² (2008) 17 SCC 157

The presence of the petitioner/accused No.2 in C.C.No.452 of 2022 on the file of the XVI Additional Chief Metropolitan Magistrate at Hyderabad, is dispensed with, subject to the condition that he shall be represented through his counsel on each and every date of hearing. If the presence of the petitioner/accused is required, he shall appear before the trial Court. In case of non-appearance on the specific date fixed by the trial Court for his appearance, the trial Court is entitled to proceed with the matter, in accordance with law.

Sd/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XVI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.
2. The Station House Officer, Shah Ali Banda Police Station, Hyderabad.
3. Sri Hussain Bin Ali,, S/o Late Ali Bin Abdul Rub, Occ Business, R/o H. No. 18-9-444, Chandrayangutta, Keshavgiri, Hyderabad[by SPAD-along with a copy of petition and memorandum of grounds]
4. One CC to Sri. SHAIK SAIFULLAH Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR High Court for the State of Telangana, at Hyderabad [OUT]
6. One spare copy

HIGH COURT

JSR, J

DATED: 20-04-2026

NOTICE BEFORE ADMISSION

POST ON 22.06.2026

CRLP.No.5966 of 2026

DIRECTION

