



[3303] 2026:TSHC:11128

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

**TUESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION NO: 6281 OF 2026

Between:

S.B. Praveen, S/o Late Bikam Singh, Aged about. 42 years, Occ: Business
R/o H.No.2-5-40/2, Kummari Basthi, Machabolarum, Alwal, Secunderabad
...**Petitioner/A-1**

AND

1. The State of Telangana, rep by its Public Prosecutor, High Court of Telangana Hyderabad.
2. A.Praveen Reddy, S/o A.V. Venkat Reddy, Aged about 58 years, Occ: Business R/o 19-21U, Vijayanagar Colony, Hyderabad.
...**Respondents/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 set aside the cognizance taken on dated.31-03-2017 in C.C.No.347 of 2017 (Pr. J.C.J. cum-V Metropolitan Magistrate, Medchal Malkajgiri District now falls under Hon'ble XXI Metropolitan Magistrate, Cyberabad at Medchal, against the Petitioner/A-1.

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 stay all further proceedings against the petitioner/A-1 taking cognizance on dated.31.03.2017 in C.C.No.347 of 2017 (Pr. J.C.J. -cum-V Metropolitan Magistrate, Medchal Malkajgiri District now falls under Hon'ble XXI Metropolitan Magistrate, Cyberabad at Medchal, pending disposal of the above Criminal Petition, and proper in the interests of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Mr. Mohd. Amjad Ali Ansari, Advocate for the Petitioner and Mr. Jithender Rao Veeramalla, Additional Public Prosecutor on behalf of the Respondent No.1 and None Appeared for the Respondent No.2.

The Court made the following: ORDER



2026:TSHC:11128

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.6281 of 2026

Date: 23.06.2026

Between:

S.B.Praveen

...Petitioner/A-1

AND

The State of Telangana and another.

...Respondents

ORDER

This Criminal Petition is filed by the petitioner/accused No.1, seeking to set aside the cognizance order dated 31.03.2017 in C.C.No.347 of 2017 passed by the XXI Metropolitan Magistrate, Cyberabad at Medchal.

2. Mr.Mohd. Amjad Ali Ansari, learned counsel for the petitioner submitted that pursuant to the order dated 23.04.2026, he sent personal notice to respondent No.2 and filed proof of service before the Registry. According to him, notice sent by him was delivered to respondent No.2 on 12.06.2026. In spite of the same, respondent No.2 has not chosen to enter appearance.



3. Heard Mr.Mohd. Amjad Ali Ansari, learned counsel for the petitioners, and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for respondent No.1. With their consent, the criminal petition is disposed of.

4. Upon perusal of the record, it reveals that the learned Magistrate on 31.03.2017 without recording satisfaction and without assigning any reasons has taken cognizance and issued summons to the petitioner and other accused. Therefore, the docket order dated 31.03.2017 passed by the learned Magistrate is liable to be quashed.

5. 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

¹ (2015) 4 SCC 609

² (2013) 4 SCC 505



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 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.”

³ (2008) 2 SCC 492



6. 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.”

7. In view of the observations and directions of the Hon’ble Supreme Court in the judgments referred to supra, the act of issuing process for summoning an accused to face a criminal trial is a serious issue and such orders directing the issuance of summons to a person to face criminal trial cannot be passed on the basis of cryptic orders and it should be an order reflecting due application of mind by the Presiding Officer while taking cognizance and issuing process.

⁴ (2008) 17 SCC 157



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8. For the foregoing reasons as well as 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 order dated 31.03.2017 in C.C.No.347 of 2017 passed by the XXI Metropolitan Magistrate, Cyberabad at Medchal, is 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.

9. Accordingly, the criminal petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

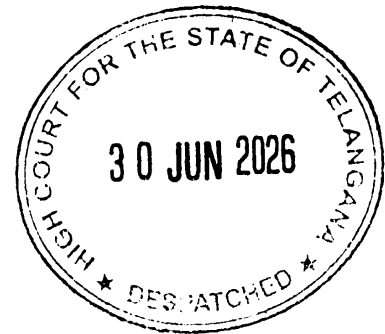
1. The Principal Junior Civil Judge cum-V Metropolitan Magistrate, Medchal Malkajgiri District.
2. The XXI Metropolitan Magistrate, Cyberabad at Medchal
3. One CC to Mr. Mohd. Amjad Ali Ansari, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies
KAM/KA



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HIGH COURT

DATED: 23/06/2026



ORDER

CRLP.No.6281 of 2026

**DISPOSING OF THE
CRIMINAL PETITION**

⑧ SKS
29/6/26