

(SHOW CAUSE NOTICE BEFORE ADMISSION) ✓
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER
 TWO THOUSAND AND TWENTY TWO ✓

:PRESENT:
THE HONOURABLE THE CHIEF JUSTICE UJJAL BHUYAN ✓

CRL.PNOs: 7465, 7517, 7693, 7718, 7523 OF 2022
AND
CRL.R.C.No.541 AND 542 of 2022

CRLP.No.7465 of 2022

Between:

1. Mutyala Stephen Ravindra, S/o.Mutyala B.Ranjit
2. Shagani Ramesh, S/o.Shagani Rajamouli

Petitioners/Accused 2 & 9 ✓

AND

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

Respondent/State ✓

2. Smt.Bhandekar Pushpalatha, w/o.Bhandekar Vishwanath, occ.R/o.H.No.24-86/A/1, Adhars7anagar, Cristian Pally, Mahaboobnaga Town and district.

Respondent/Complainant ✓

WHEREAS the Petitioners above named through their Advocate Sri A Prabhakar Rao presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Crl.P., the High Court may be pleased to call for the records relating to CC.No.514 of 2022 on the file of the Court of Judicial Magistrate of First Class Prohibition and Excise Court cum II Addl.Junior Civil Judge.Mahaboobnagar and quash the proceedings in CC.No.514 of 2022; ✓

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri A Prabhakar Rao Advocate for the Petitioner, Public Prosecutor for 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:

Smt.Bhandekar Pushpalatha, w/o.Bhandekar Vishwanath,
 occ.R/o.H.No.24-86/A/1, Adhars7anagar, Cristian Pally, Mahaboobnaga
 Town and district.✓

are directed to show cause on or before 02.12.2022 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.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including appearance of the petitioners in CC.No.514 of 2022 on the file of the Court of the Judicial Magistrate of First Class Prohibition and Excise Court cum II Addl.Junior Civil Judge: Mahaboobnagar, pending disposal of CRLP No.7465 of 2022, on the file of the High Court.

CRLP.No.7517 of 2022

Between:

1. Mr. Kishan, Occ. Deputy Superintendent of Police, O/o The Office of Director General of Police, Lakhidikapool, Opp. Ravindra Bharati, Besidre Telanagan State Assembly, Red Hills, Hyderabad, Telangana State-500034.(A-5)
2. G.Rajeshwar Goud, S/o G.Narayana Goud Occ. Circle-Inspector of Police (I-town) O/o the Circle-Inspector of police (I-town) Mahabubnagar town, Mahabubnagar District, Telangana State-509001. (A-6)

Petitioners/Accused No.5 & 6

AND

1. The State of Telangana, Rep., by Public Prosecutor, High Court at Hyderabad.

Respondent/Respondent

2. Smt. Bhandekar Pusphalatha, W/o Bhandekar Vishwanath, Occ. House Wife, R/o H.No. 24-86, Adarshnagar, Cristian pally, Mahbubnagar, Telangana State-509001.

Respondent/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate Sri T Bala Mohan Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the CrI.P., the High Court may be pleased to Quash the orders dated 01.07.2022 in CFR No.1316 of 2022 taking cognizance, further the consequential proceedings against the petitioners/accused No. 5 and 6 in C.C. No. 514 of 2022 on the file of Learned Judicial Magistrate of First Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri T Bala Mohan Reddy Advocate for the Petitioner, Public Prosecutor for 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:

Smt. Bhandekar Pusphalatha, W/o Bhandekar Vishwanath, Aged About. 35 years, Occ. House Wife, R/o H.No. 24-86, Adarshnagar, Cristian pally, Mahbubnagar, Telangana State-509001.

are directed to show cause on or before 02.12.2022 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.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including the appearance of the petitioners/ accused No. 5 and 6 in CC. No. 514 of 2022 on the file of Learned Judicial Magistrate of First-Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar, pending disposal of CRLP No.7517 of 2022, on the file of the High Court.

CRLP.No.7693 of 2022

Between:

1. Mr.Anna Ramesh S/o Anna Ramulu.
2. Mr.D.K.Maheswar @ Dangeti Kanaka Maheswara Rao, S/o Dangeti Krishna Rao

Petitioners/Accused No.7 & 8

AND

1. The State of Telangana, Rep by its Public Prosecutor High Court at Hyderabad
2. Smt. Bhandekar Pusphalatha, W/o Bhandekar Vishwanath, Occ. House Wife, R/o. H.No. 24-86, Adarshnagar Cristian pally. Mahbubnagar, Telangana State-509001.

Respondents/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate Sri S.Ram Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the CrI.P., the High Court may be pleased to quash the orders dated 01/07/2022 in CFR No.1316 of 2022 taking cognizance further the consequential proceedings against the petitioners/accused No.7 and 8 in C.C. No. 514 of 2022 on the file of Learned Judicial Magistrate of First Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri S. Ram Reddy Advocate for the Petitioner, Public Prosecutor for 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:

Smt. Bhandekar Pusphalatha, W/o Bhandekar Vishwanath, Occ. House
Wife, R/o. H.No. 24-86, Adarshnagar Cristian pally. Mahbubnagar,
Telangana State-509001.

are directed to show cause on or before 02.12.2022 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. ✓

IA NO: 2 OF 2022 ✓

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including the appearance of the petitioners/ accused No.7 and 8 in CC. No. 514 of 2022 on the file of Learned Judicial Magistrate of First-Class Prohibition and. Excise Court cum II Additional Junior Civil Judge at Mahabubnagar pending disposal of CRLP No.7693 of 2022, on the file of the High Court. ✓

CRLP.No.7718 of 2022

Between:

1. Mr.Anna Ramesh, S/o Anna Ramulu.
2. Mr.D.K.Maheswar @ Dangeti Kanaka Maheswara Rao, S/o Dangeti Krishna Rao.

Petitioners/Accused Nos.13 & 14 ✓

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court at Hyderabad
2. Chaluvagali Raghavendra Raju, S/o Late Papa Raju, R/o. D.No. 14-5-189/6, B.K. Reddy Colony, Mahbubnagar, Telangana State-509001.

Respondent/Defacto Complainant ✓

WHEREAS the Petitioners above named through their Advocate Sri S. Ram Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the Crl.P., the High Court may be pleased to quash the orders dated 01.07.2022 in CFR No.1317 of 2022 taking cognizance, consequential proceedings against the petitioners/accused Nos.13 and 14 in C.C. No. 513 of 2022 on the file of Learned Judicial Magistrate of First Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar; ✓

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri S. Ram Reddy Advocate for the Petitioner, Public Prosecutor for 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:

Chaluvagali Raghavendra Raju, S/o Late Papa Raju, R/o. D.No. 14-5-189/6, B.K. Reddy Colony, Mahbubnagar, Telangana State-509001.

are directed to show cause on or before 02.12.2022 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.

IA NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including the appearance of the petitioners accused Nos. 13 and 14 in CC. No. 513 of 2022 on the file of Learned Judicial Magistrate of First-Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar pending disposal of CRLP No.7718 of 2022, on the file of the High Court.

CRLP.No.7523 of 2022

Between:

1. Mr. Kishan, (A-6)
2. P.Suresh, S/o P.Bheemaiah, (A-7)
3. Bunedu Swetha, C/o B.Krishnaiah (A-8)
4. Mohammed Imran Ali, S/o Mohammed Ali (A-9)
5. G.Rajeshwar Goud, S/o G.Narayana Goud (A-12)

Petitioners/Accused No.6.7.8.9 and 12

AND

1. The State of Telangana, Rep., by Public Prosecutor, High Court at Hyderabad.
2. Chaluvagali Raghavendra Raju, S/o Late Papa Raju, R/o. D.No. 14-5-189/6, B.K. Reddy Colony, Mahbubnagar, Telangana State-509001.

Respondent/Defacto Complainant

WHEREAS the Petitioners above named through their Advocate Sri T Bala Mohan Reddy presented this Petition under Section 482 of Cr.P.C, praying that in the circumstances stated in the grounds filed in the CrI.P., the High Court may be pleased to Quash the orders dated 01/07/2022 in CFR No.1317 of 2022 taking cognizance, consequential proceedings against the petitioners/accused No. 6,7,8,9 and 12 in C.C. No. 513 of 2022 on the file of Learned Judicial Magistrate of First Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri T Bala Mohan Reddy Advocate for the Petitioner, Public Prosecutor for 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:

Chaluvkali Raghavendra Raju, S/o Late Papa Raju, R/o. D.No. 14-5-189/6,
B.K. Reddy Colony, Mahbubnagar, Telangana State-509001.

are directed to show cause on or before 02.12.2022 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.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to stay all further proceedings including the appearance of the petitioners/ accused No.6,7,8,9 and 12 in CC. No. 513 of 2022 on the file of Learned Judicial Magistrate of First-Class Prohibition and Excise Court cum II Additional Junior Civil Judge at Mahbubnagar, pending disposal of CRLP No. 7523 of 2022, on the file of the High Court.

CRLRC.No.541 of 2022

Between:

R.Venkateshwarlu S/o. Narayana

Petitioner/Accused No.3

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Bhandekar Pushpalatha, W/o.Bhandekar Vishwanath, Occ. Housewife, R/o. H.No.24-86/A/1, Adharshnagar, Cristianpally, Mahabubnagar Town and District-509001.

Respondent

WHEREAS the Petitioner above named through his Advocate Sri C Sharan Reddy presented this Revision filed under Section 397 and 401 of Cr.P.C., against the order passed in C.F.R.No.1316 of 2022 on the file of the Special Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, dt.01-07-2022;

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

You viz;

Bhandekar Pushpalatha, W/o.Bhandekar Vishwanath, Occ. Housewife, R/o. H.No.24-86/A/1, Adharshnagar, Cristianpally, Mahabubnagar Town and District-509001.

are directed to show cause on or before 02.12.2022 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 REVISION CASE should not be admitted.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to suspend the operation of the order passed in C.F.R.No. 1316 of 2022 on the file of the Special. Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, dt.01-07-2022 and stay all further proceedings including the appearance of the petitioner in C.C.No. 514 of 2022 arising out of C.F.R.No. 1316 of 2022 on the file of the Special Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, pending disposal of CRLRC No.541 of 2022, on the file of the High Court.

CRLRC.No.542 of 2022

Between:

R.Venkateshwarlu, S/o. Narayana

Petitioner/Accused No.5

AND

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad.
2. Chaluvagali Raghavendra Raju, S/o. late Papa Raju, Occ- Business, R/o.H.No. 14-5-189/6, B.K. Reddy Colony, Mahabubnagar - 509001.

Respondent/Complainant

WHEREAS the Petitioner above named through his Advocate Sri C Sharan Reddy presented this Revision filed under Section 397 and 401 of Cr.P.C., against the order passed in C.F.R.No. 1317 of 2022 on the file of the Special Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, dt.01/07/2022;

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

You viz;

Chaluvagali Raghavendra Raju, S/o. late Papa Raju, Occ- Business, R/o.H.No. 14-5-189/6, B.K. Reddy Colony, Mahabubnagar - 509001.

are directed to show cause on or before 02.12.2022 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 REVISION CASE should not be admitted.

IA NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to suspend the operation of the order passed in C.F.R.No.1317 of 2022 on the file of the Special Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, dt.01-07-2022 and stay all further proceedings including the appearance of the petitioner in C.C.No. 513 of 2022 arising out of C.F.R.No.1317 of 2022 on the file of the Special Judicial Magistrate of First Class Prohibition and Excise Court-cum-II Additional Junior Civil Judge, Mahabubnagar, pending disposal of CRLRC No.542 of 2022, on the file of the High Court.

The Court made the following:

ORDER

Heard Mr. C.Sharan Reddy, Mr. T.Balamohan Reddy and Mr. S.Ram Reddy, learned counsel for the petitioners.

The criminal revision cases have been filed assailing separate orders dated 01.07.2022 passed by the Special Judicial Magistrate of First Class, Prohibition and Excise -cum- Second Additional Junior Civil Judge, Mahabubnagar in CFR.Nos.1316 and 1317 of 2022.

Criminal Petitions have been filed by the accused seeking to quash the same.

Based on a complaint lodged by respondent No.2 under Section 200 of the Code of Criminal Procedure, 1973 (Cr.P.C.), learned Magistrate has taken cognizance of the following offences by the aforesaid orders:

- (i) Section 120-B of IPC against accused Nos.1 to 6.**
- (ii) Sections 363, 324, 506 r/w 34 of IPC against accused Nos.4 to 8**
- (iii) Sections 363, 506 r/w 109 of IPC against accused Nos.1 to 3.**

First contention is that accused No.1 is a Member of Legislative Assembly (MLA) of Telangana State Legislative Assembly. As per G.O.Rt.No.192 dated 22.06.2018, notification has been issued by the Government of Telangana in exercise of powers conferred by proviso to sub-section (1) of Section 11 read with clause (j) of Section 2 and Sections 7 and 9 (1) Cr.P.C. and after consultation with the High Court for the State of Telangana. As per the said notification, a Special Court has been established for trial of offences relating to elected MPs and MLAs. Therefore, learned Magistrate had no jurisdiction to take cognizance as the jurisdiction vests only with the Special Court.

Second contention is that accused Nos.2 to 8 are public servants. Without obtaining sanction under Section 197 Cr.P.C., learned Magistrate could not have taken cognizance.

Issue notice.

Mr. Pratap Reddy, learned Public Prosecutor accepts notice on behalf of respondent No.1-State of Telangana.

Respondent No.2 be served through the usual court process.

After hearing learned counsel for the parties and on due consideration, further proceedings in CFR.No.1316 of 2022, C.C.Nos.513 and 514 of 2022 pending on the file of the learned Special Judicial Magistrate of First Class-cum-II Additional Junior Civil Judge, Mahabubnagar are hereby stayed.

List on 02.12.2022.

Sd/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judicial Magistrate of First Class-cum-II Additional Junior Civil Judge, Mahabubnagar
2. The Judicial First Class Magistrate Prohibition and Excise -cum- II Additional Junior Civil Judge, Mahabubnagar
3. The Station House Officer, Rural Police Station, Mahabubnagar
4. Smt.Bhandekar Pushpalatha, W/o.Bhandekar Vishwanath, R/o.H.No.24-86/A/1, Adharshanagar, Cristian Pally, Mahaboobnaga Town and district.
5. Chaluvagali Raghavendra Raju, S/o Late Papa Raju, R/o. D.No. 14-5-189/6, B.K. Reddy Colony, Mahbubnagar, Telangana State-509001. (4 & 5 by RPAD- along with a copy of petition and memorandum of grounds)
6. Two CCs to the Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
7. One CC to Sri A Prabhakar Rao Advocate [OPUC]
8. One CC to Sri T Bala Mohan Reddy Advocate [OPUC]
9. One CC to Sri S Ram Reddy Advocate [OPUC]
10. One CC to Sri C Sharan Reddy Advocate [OPUC]
11. One spare copy

HIGH COURT

HCJ

DATED:16/09/2022

List on 02.12.2022

NOTICE BEFORE ADMISSION

**CRL.P NOs: 7465, 7517, 7693, 7718, 7523 OF 2022
AND
CRL.R.C.No.541 AND 542 of 2022**

STAY

