

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE
PRESENT**

**THE HONOURABLE SMT JUSTICE TIRUMALA DEVI EADA
CRIMINAL PETITION NO: 10899 OF 2025**

Between:

Sreetharan Murthy, S/o. Moorthy, aged about 50 years, Occ. Employee, R/o. H. No. 1B, 1st Floor, Yeshus Residency, No. 14/2, Curley Street, Bengaluru, Karnataka.

...PETITIONER/ACCUSED NO.1

AND

1. The State of Telangana, Represented by SHO, Central Crime Police Station, Through Public Prosecutor High Court for the State of Telangana At Hyderabad.
2. Vinay Agarwal, S/o. Ashok Kumar Agarwal, aged about 50 years, Occ. Director of Shree Ji Jewellery Manufacturers Pvt. Ltd. Rani, R/o. H.No. 4-1-970-C-305-A, 3rd Floor, Upasana Building, Ahuja Estate, Abids, Hyderabad.

...RESPONDENTS

Petition under Section 528 of BNSS, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to call for the records in CrI.M.P. No. 2237 of 2025 in Cr. No. 87 of 2025 on the file of XII Addl. Chief Metropolitan Magistrate, Hyderabad, at Nampally and set aside the order dt. 21.08.2025 granting police custody passed in CrI.M.P. No. 2237 of 2025 in Cr. No. 87 of 2025 by XII Addl. Chief Metropolitan Magistrate, Hyderabad, at Nampally;

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS, 2023 praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to suspend the order dt. 21.08.2025 granting police custody passed in CrI.M.P. No. 2237 of 2025 in Cr. No. 87 of 2025 by the XII Addl. Chief Metropolitan Magistrate, Hyderabad, at Nampally, pending disposal of the above Criminal Petition,;

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri VADEENDRA JOSHI, Advocate for the Petitioner and Sri Jithender Rao Veeramalla, Addl. Public Prosecutor on behalf of the Respondent No. 1 and none appear for the Respondent No.2;

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.10899 of 2025

ORDER:

This Criminal Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner/accused No.1 seeking to call for the records and set aside the order dated 21.08.2025 granting police custody passed in CrI.M.P.No.2237 of 2025 in CrI.M.P.No.2237 of 2025, on the file of the XII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, registered for the alleged offences punishable under Sections 316(5), 318(4) read with 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. Heard Sri Vadeendra Joshi, learned counsel for the petitioner and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor appearing for the respondent No.1-State.

3. Learned counsel for the petitioner submitted that trial Court has extended the police custody for three more days that is 22.08.2025 to 24.08.2025. He further submitted that the police had recovered all the gold ornaments from the petitioner; therefore, his custody is not required for the purpose of recovery, unless any further recovery is to be made. Therefore, he prayed to set aside the order dated 21.08.2025 in CrI.M.P.No.2237 of 2025.

4. On the other hand learned Additional Public Prosecutor opposed the submissions of the learned counsel for the petitioner stating that the custody was already extended for 3 more days and the police were handed over the custody of the accused in the morning i.e., 10.30 am. Therefore, he prayed to dismiss the petition.

5. Perused the record. The petitioner is facing allegations under Sections 316(5), 318(4) read with 61(2) of the BNS and the remand order shows that trial Court after perusing the record has observed that the accused confessed that he sold the gold taken from the complainant to some other parties and also gave gold ornaments to his family members who are residing at their native places in Tamilnadu State and as such further police custody of the accused is required to visit Coimbatore and Tamilnadu to trace out the family members of the accused and for recovery of the gold ornaments. By observing the same, and in view of the facts and circumstances, the trial Court extended the police custody of the accused for a further period of three days from 22.08.2025 to 24.08.2025 and directed that the accused be produced on 25.08.2025 at 10:30 AM without fail. As per the instructions received by the learned Public Prosecutor from the Investigating Officer, who was present in the Court hall, the accused has already been taken into custody. In this context, it is pertinent to refer to the decision of the Apex Court relied upon by the learned counsel for the petitioner in ***Tusharbhai***

Rajnikantbhaj Shah v. Kamal Dayani and others¹ wherein it was held that the trial Court has to record its reasoning that custody is sought on proper grounds and the custody of the accused is required to relevant facts. In the present case the police sought custody based on his statement that he has sold away the gold to some other persons and gave gold ornaments to his family members who are residing at Periya Hubbathali village, Coonoor Taluk, Nilgiris District, Tamilnadu State. Thus, to trace out the family members of accused for recovery of the gold ornaments, the police custody was granted.

6. Considering the facts and circumstances of the case, this Court deems it fit not to interfere with the order dated 21.08.2025 in Crl.M.P.No.2237 of 2025 passed by XII Additional Metropolitan Magistrate, Hyderabad.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

(2025) Supreme Court Cases 753

SD/- B.REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Addl. Chief Metropolitan Magistrate, Hyderabad
2. The Station House Officer, INSP ADMIN (DD) P.S., Hyderabad
3. One CC to SRI. VADEENDRA JOSHI Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad (OUT)
5. Two CD Copies

VSM/PSL

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HIGH COURT

DATED:22/08/2025



ORDER

CRLP.No.10899 of 2025

DISMISSING THE CRIMINAL PETITION

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