IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17130 OF 2026

Between:

1. **M/s. AFFINE FORMULATIONS LIMITED**, Rep. by its Managing Director, 28/10, Talwali Dewas Naka, Indore - 452010, Madhya Pradesh.
2. **SRI PRADHYUMN NYATI**, S/o. Shri.Mohanlal Nyati, aged about.44 years, Director of M/s. Affine Formulations Limited, 28/10, Talwali Dewas Naka, Indore - 452010.
3. **SRI VIJAY KUMAR NYATI**, S/o.Shri.Radheshyam Ji Nyati, aged about.58 years, Director of M/s. Affine Formulations Limited, 28/10, Talwali Dewas Naka, Indore - 452010

...PETITIONERS/ACCUSED Nos.1 TO 3

AND

1. **THE STATE OF TELANGANA**, Rep. by its Public Prosecutor, High Court for the State of Telangana, Hyderabad. **...Respondent**
2. **M/s. GODAVARI DRUGS LIMITED**, May Fair Complex, First Floor,Sardar Patel Road, Secunderabad, Rep. by its Authorised Representative Srihari Gajjela.

...Defacto 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 call for the records pertaining to Crl.M.P. No.1550 of 2026 in S.T.C. No.6214 of 2025 consequently set aside the order dated 16.09.2026 passed in Crl.M.P. No.1550 of 2026 by the Court of the XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Secunderabad

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 including stay of operation and execution of the Non-Bailable Warrant issued against the Petitioners/Accused Nos.2 and 3 in S.T.C. No.6214 of 2025 on the file of the XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Secunderabad pending disposal of the Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Ms. Kanya Kumari, counsel representing M/s Hyderabad Law Firm, Advocate for the Petitioners 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

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

CRIMINAL PETITION No.17130 OF 2026

(CNR No.HBHC010705602026)

Date: 14.10.2026

Between:
M/s. Affine Formulations Limited and 2 others

...Petitioners

AND

The State of Telangana, and another

...Respondents

ORDER

This Criminal Petition is filed aggrieved by the order dated 16.09.2026 passed by the learned XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Secunderabad, in Crl.M.P.No.1550 of 2026 in S.T.C.NI.No.6214 of 2025, wherein the application filed by the petitioners seeking to recall the Non-Bailable Warrant (NBW) issued against them was dismissed.

2. Heard Ms.Kanya Kumari, learned counsel representing M/s.Hyderabad Law Firm, for the petitioners and Mr.Jithender Rao Veeramalla, learned Additional Public Prosecutor for respondent No.1.

3. Notice in respect of respondent No.2 is dispensed with solely on the ground that the petitioners are not seeking any relief against respondent No.2 and is only seeking recall of the NBWs issued by the learned trial Court.

4. Learned counsel for the petitioners submits that the petitioners are accused Nos.1 to 3 in S.T.C.NI.No. 6214 of 2025 and are facing prosecution for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Petitioner No.1, M/s. Affine Formulations Limited, is a company, and petitioners Nos.2 and 3 are its Directors. Petitioners Nos.2 and 3 are residents of Indore and could not appear before the learned trial Court on 09.03.2026 due to unavoidable circumstances. Consequently, the learned trial Court issued non-bailable warrants (NBWs) against the petitioners. Thereafter, the petitioners filed Crl.M.P.No.1550 of 2026, invoking Section 70(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking recall of the NBWs. However, the learned trial Court dismissed the said application without assigning any reasons, which is contrary to law. She further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Unless the NBWs issued against the

petitioners are recalled, the petitioners would be put to great hardship.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners are arrayed as accused Nos.1 to 3 in S.T.C.(NI) No.6214 of 2025 and are facing prosecution for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The learned trial Court issued non-bailable warrants (NBWs) against the petitioners. Thereafter, on 03.06.2026, the petitioners filed Crl.M.P.No.1550 of 2026, invoking Section 70(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.), seeking recall of the NBWs issued against them. However, by order dated 16.09.2026, the learned trial Court dismissed the said application by passing the following order:

> *"Accused called absent when this petition is pending, so it is dismissed."*

6. During the course of hearing, learned counsel for the petitioners submits that the petitioners will appear before the learned trial Court on 05.11.2026, the date on which the matter is posted for hearing.

7. Taking into consideration the peculiar facts and circumstances of the case, the impugned order dated 16.09.2026 passed by the learned trial Court is liable to be set aside and, accordingly, the same is hereby set aside. Consequently, the NBWs issued against the petitioners are recalled, subject to the following conditions:

i) The petitioners shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties to the satisfaction of the learned trial Court.

ii) The petitioners shall file undertaking affidavit before the trial Court that they will appear before the trial Court whenever their presence is required, and also they shall represent the matter through their counsel each and every date of adjournment, in default, the learned trial Court is entitled to proceed with the matter, in accordance with law.

8. Accordingly, the Criminal Petition is disposed of. Miscellaneous applications, pending if any, shall stand closed.

SD/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XV Additional Judge-cum-XIX Additional Chief Metropolitan Magistrate, Secunderabad
2. The Station House Officer, Begumpet Police Station, Hyderabad.
3. One CC to M/s Hyderabad Law Firm [OPUC]
4. Two CCs to Public Prosecutor High Court for the State of Telangana, at Hyderabad [OUT]
5. Two CD Copies

KAM

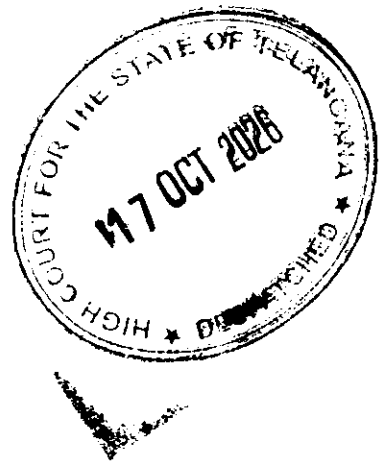
R.F

HIGH COURT

DATED: 14/10/2026

ORDER

CRLP.No.17130 of 2026



DISPOSING OF THE CRIMINAL PETITION

Scopes
17/10/26
R.R