IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTEENTH DAY OF OCTOBER TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CRIMINAL PETITION NO: 17180 OF 2026

Between:

1. Md Abdul Waheed, S/o. Late Abdul Rasheed, Aged 55 years, Occ: Business,
2. Md Abdul Bari, S/o. Mohd Abdul Waheed, Aged 35 years, Occ: Business,
3. Md Abdul Adil, S/o. Mohd Abdul Waheed, Aged 30 years, Occ: Business,

All are R/o. H.No.16-2-51/13, Bari Tower, Akbar Bagh, Hyderabad.

...PETITIONERS/A.No.1 to 3

AND

1. The State of Telangana,, Rep. by its Public Prosecutor, High Court for the state of Telangana, Hyderabad.
2. Sri Mohd Anwar, S/o. Mohd Abdullah, Aged Major, Occ. Not Known, R/o. Bari Towers, Flat No.602, Akbar Bagh Cross Roads, Malakpet, Hyderabad.

...RESPONDENTS

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 order passed in Crl.M.P.No.1082/2026, dated. 07-07-2026 by the Hon'ble VII Addl. Chief Metropolitan Magistrate, Hyderabad in CC.No.9341/2021 and direct the Hon'ble VII Addl. Chief Judicial Magistrate, Hyderabad to recall the NBW.

I.A. NO: 2 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 suspend the execution of NBW dated. 05-06-2026 issued against the Petitioners in CC.No.9341/20201 on the file of Hon'ble VII Addl. Chief Judicial Magistrate, Hyderabad and pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri Wajid Mohd Abdul Waheed , Advocate for the Petitioner and the Additional Public Prosecutor for the State of Telangana on behalf of the Respondent No.1 and None appeared for 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.17180 of 2026
CNR No. HBHC010708702026

Date: 15.10.2026

Between:
Md Abdul Waheed and two others

...Petitioners

AND

The State of Telangana and another

...Respondents

ORDER

This Criminal Petition is filed aggrieved by the order dated 07.07.2026 passed by the learned VII Additional Chief Judicial Magistrate, at Hyderabad, in Crl.M.P.No.1082 of 2026 in C.C.No.9341 of 2021, wherein the petition filed by the petitioners seeking to recall the Non-Bailable Warrant (NBW) issued against them was dismissed.

2. Heard Mr.Mohd Muzaferullah Khan, learned counsel 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 C.C.No.9341 of 2021 and are facing prosecution for the offences punishable under Sections 448, 324 and 506 r/w 34 of the Indian Penal Code, 1860 (for short, "IPC"). He further submits that due to unavoidable circumstances, the petitioners could not appear before the learned trial Court, pursuant to which the learned trial Court issued NBWs against them on 05.06.2026. Thereafter, the petitioners filed petition vide Crl.M.P.No.1082 of 2026 under Section 70(2) of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), seeking the recall of the NBWs issued against them. However, the learned trial Court, without properly considering the contentions raised by learned counsel for the petitioners, dismissed the said application on 07.07.2026 and the same is contrary to law. He further submits that the petitioners

are ready and willing to appear before the learned trial Court and they are abide by the conditions which are going to be imposed by this Court. He also submits that the petitioners will represent the matter through their counsel and appear before the learned trial Court as and when required. Unless the NBWs are recalled, the petitioners will be put to great hardship.

5. *Per contra*, learned Additional Public Prosecutor submits that the matter is posted for examination of the petitioners and their presence is very much necessary. He further submits that the petitioners failed to appear before the trial Court on several occasions and, therefore, the learned trial Court rightly issued NBWs against them. He further submits that even at the time of filing the petition, the petitioners were not present before the trial Court and the learned trial Court rightly dismissed the application. Hence, there are no grounds to interfere with the docket order passed by the learned trial Court.

6. Having considered the rival submissions made by the learned counsel for the respective parties and upon perusal of the material available on record, it reveals that the petitioners are

accused Nos.1 to 3 in C.C.No.9341 of 2021 and are facing prosecution for the offences punishable under Sections 448, 324 and 506 r/w 34 of the IPC. The record further reveals that the matter before the trial Court is posted for examination of the accused and it has undergone several adjournments since 28.11.2023. On 05.06.2026, the trial Court issued NBWs against the petitioners. Thereafter, the petitioners filed petition seeking recall of the NBWs, which was dismissed by the learned trial Court on 07.07.2026 on the ground that no satisfactory reasons had been stated in the said petition.

7. During the course of hearing, learned counsel for the petitioners submits that the petitioners are ready and willing to appear before the trial Court on 21.10.2026 for their examination. He further submits that the petitioners will appear before the trial Court on all subsequent dates of hearing and represent the matter through their counsel on each and every date of adjournment.

8. Taking into consideration the peculiar facts and circumstances of the case, this Court is inclined to recall the

NBWs issued against the petitioners on 05.06.2026. Hence, the impugned order dated 07.07.2026 passed by the learned trial Court is liable to be set aside and is accordingly set aside.

9. In view of the above, the NBWs issued against the petitioners on 05.06.2026 are recalled, subject to the following conditions:

i) The petitioners shall execute a personal bond for Rs.15,000/- (Rupees fifteen 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.

10. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- MOHD. OSMAN ALI BAIG,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The VII Additional Chief Judicial Magsitrate at Hyderabad.
2. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to Sri. Wajid Mohd Abdul Waheed, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED: 15/10/2026

ORDER

CRLP.No.17180 of 2026



DISPOSING OF THE CRIMINAL PETITION

(8)
Y.VG
15/10/26
17/10/26