

(SHOW CAUSE NOTICE BEFORE ADMISSION)

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

THURSDAY, THE FIFTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**CRIMINAL PETITION NO: 3150 OF 2026**

**Between:**

Yanamala Renaiiah S/o. Parvathalu

**Petitioner/Accused No.3**

**AND**

1. The State of Telangana, Rep. by its Public Prosecutor, High Court for the State of Telangana
2. Palvai Ramakrishna, S/o. Jangaiah, Occ Agriculture, R/o. Siddapoor Village, Achampet Mandal, Nagarkurnool District.

**Respondent/Complainant**

WHEREAS the Petitioner above named through his Advocate SRI SHAIKH MOHAMMED RIZWAN AKHTAR presented this Petition under Section 528 of B.N.S.S., praying that in the circumstances stated in the grounds filed in support of the Crl.P., the High Court may be pleased to quash the Criminal Proceedings against the Petitioner/ Accused No.1 in C.C. No.157 of 2025 on the file of the Judicial First Class Magistrate at Achampet for offence u/s. 351, 352 r/w. 3(5) of BNS;

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of SRI SHAIKH MOHAMMED RIZWAN AKHTAR Advocate for the Petitioner, Additional 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;

Palvai Ramakrishna S/o. Jangaiah, Occ Agriculture, R/o. Siddapoor Village,  
Achampet Mandal, Nagarkurnool District.

are directed to show cause on or before 30.03.2026 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 2026**

Petition under Section 528 of B.N.S.S. praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to stay all further proceedings including the appearance of the Petitioner/ Accused No.3 in C.C. No. 157 of 2025 on the file of the Judicial First Class Magistrate at Achampet, pending disposal of CRLP No.3150 of 2026, on the file of the High Court.

The Court made the following:

**ORDER**

**Learned counsel for the petitioner submits that respondent No. 2 filed a private complaint before the learned Judicial First Class Magistrate at Achampet for the offences punishable under Sections 351 and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"). The learned Magistrate, without recording satisfaction, without assigning any reasons, and without taking cognizance, straightaway issued summons to accused Nos. 1 to 5. He further submitted that, as per the proviso to Section 223(1) of the BNS, the Magistrate ought to have given an opportunity to the accused before taking cognizance.**

**Upon perusal of the record, it reveals that the learned Magistrate, without following the mandatory procedure as required under the proviso to Section 223(1) of the BNS, issued summons to accused Nos. 1 to 5 through a docket order dated 30.06.2025, and the same is contrary to law.**

**In view of the above, issue notice before admission.**

**Learned Additional Public Prosecutor takes notice on behalf of respondent No.1.**

**Learned counsel for the petitioner is permitted to take out personal notice to respondent No.2 by way of Speed Post with Acknowledgment Due and file proof of service.**

**List on 30.03.2026 in the 'Adjourned Motion List'.**

**Till such time, there shall be an interim stay of all further proceedings against the petitioner/accused No.3 in C.C.No.157 of 2025 on the file of the Judicial First Class Magistrate at Achampet.**

**In default of filing proof of service, the stay stands vacated.**

**//TRUE COPY//**

**Sd/- N.CHANDRA SEKHAR RAO  
DEPUTY REGISTRAR**

**SECTION OFFICER**

**To,**

1. The Judicial First Class Magistrate at Achampet
2. The Station House Officer, Siddapoor Police Station, Nagarkurnool
3. Palvai Ramakrishna S/o. Jangaiah, Occ Agriculture, R/o. Siddapoor Village, Achampet Mandal, Nagarkurnool District. (by RPAD- along with a copy of petition and memorandum of grounds)
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, Hyderabad (OUT)
5. One CC to SRI SHAIKH MOHAMMED RIZWAN AKHTAR Advocate [OPUC]
6. One spare copy

**HIGH COURT**

**JSR,J**

**DATED:05/03/2026**

List on 30.03.2026 in the  
'Adjourned Moticn List'

**NOTICE BEFORE ADMISSION**

**CRLP.No.3150 of 2026**

**INTERIM STAY**

