

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

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**Criminal Petition No.2586 OF 2023**

Between:

Nemi Chand Upadhyay.

... Petitioner

And

The State of Telangana,  
Rep. through Public Prosecutor,  
High Court for the State of Telangana,  
Hyderabad

... Respondent

DATE OF JUDGMENT PRONOUNCED: 14.03.2023  
Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals     | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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**K.SURENDER, J**

\* THE HON'BLE SRI JUSTICE K. SURENDER

+ CRL.P. No. 2586 of 2023

% Dated 14.03.2023

#Nemi Chand Upadhyay

... Petitioner

And

\$ The State of Telangana,  
Rep. through Public Prosecutor,  
High Court for the State of Telangana,  
Hyderabad

... Respondents

! **Counsel for the Petitioners:** Sri T.Prasanna Kumar

^ **Counsel for the Respondent:** Sri S.Sudershan  
Additional Public Prosecutor

>**HEAD NOTE:**

? **Cases referred**

<sup>1</sup> (1982) 3 Supreme Court Cases 378

2 1997(1) ALT (Cr.) 10

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.2586 OF 2023****ORDER:**

1. The petitioner is questioning the return petition filed under Section 70 (2) of Cr.P.C for recalling the warrant issued against the petitioner.
2. The aforesaid petition was returned by the XI Additional Chief Metropolitan Magistrate, Secunderabad, on the ground that No-Objection was not taken from the earlier counsel on record.
3. The petitioner was already granted bail by the Court. In the event of granting bail, there is no necessity for the petitioner to appear before the concerned court pending investigation unless there is a specific order of appearance.
4. The Hon'ble Supreme Court in the case of **Free Legal Aid Committee, Jamshedpur v. State of Bihar**<sup>1</sup> held that when the accused is released on bail, he is not required to appear before the Court until filing of charge-sheet or issue of

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<sup>1</sup> (1982) 3 Supreme Court Cases 378

process. The said judgment was followed by this Court in the case of **S.Venkateshwar Rao v. State of Andhra Pradesh**<sup>2</sup>.

5. This Court is coming across several such applications wherein the accused are made to appear before the Court for years together in spite of bail being granted. During the pendency of investigation after bail is granted and charge sheet is not filed, it is not necessary that the accused appears on every date of hearing unless specifically directed by the concerned Court for the purposes of either medical examination, giving specimen signatures, thumb impressions or blood as the case may be. Appearance of the accused in all such pending cases would consume and waste considerable time of the trial Courts, which are already over burdened. It is therefore, directed that all the Courts concerned shall not insist upon the appearance of an accused after bail is granted unless specifically required for the purposes mentioned above.

6. In the said circumstances, this Court finds that issuance of warrants itself is improper. Accordingly, the warrants issued against the petitioner in Crime No.174 of 2022 on the file of XI

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<sup>2</sup> 1997(1) ALT (CrI.) 10

Additional Chief Metropolitan Magistrate, Secunderabad, are hereby set aside.

7. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications pending, if any, shall stand closed.

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**K.SURENDER, J**

Date: 14.03.2023

Note: LR copy to be marked.

Registry is directed to circulate  
a copy of this order to all the courts  
concerned in the State of Telangana.

B/o.kvs

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No. 2586 OF 2023**

**Dt. 14.03.2023**

kvs