HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE SEVENTEENTH DAY OF MARCH TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL AND

THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 166 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 18/10/2023 in W.P.No.11167 of 2023. on the file of the High Court.

Between:

1. Assistant Commissioner of Central Tax (Prosecution), Ranga Reddy GST Commissionerate, Posnett Bhawan, Ramkote, Tilak Road, Hyderabad - 500 001.
2. The Chief Commissioner, GST, Central Excise and Customs Hyderabad Zone
3. Superintendent (Anti Evasion) Office of the Commissioner of Customs and Central Excise Hyderabad IV Commissionerate, Posnett Bhavan, Hyderabad

.....APPELLANTS/RESPONDENTS

AND

Sri Bala Reddy, S/o. Late Gopu Irma Reddy, Aged about 55 years, Occ ; Business, R/o. H.No. 838, Vivekanadanagar Colony, Kukatpally, Hyderabad.

.....RESPONDENTS/WRIT PETITIONER

I.A.NO:2 OF 2025

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order passed in WP No. 11167 of 2023 dated 18-10-2023 pending disposal of this writ appeal.

Counsel for the Appellants : SRI DOMINIC FERNANDES (SENIOR STANDING COUNSEL FOR CBIC)
Counsel for the Respondents : SRI P.ANWESH REDDY
The Court made the following ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.166 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Dominic Fernandes, learned Senior Standing Counsel for CBIC, for the appellants and Sri P.Anwesh Reddy, learned counsel for the respondent.

2. Heard on admission.

3. This Intra-Court Appeal takes exception to the order of learned Single Judge passed in WP.No.11167 of 2023, dated 18.10.2023. Before the learned Single Judge, Writ of Certiorari was prayed for to quash the criminal complaint and further proceedings pertaining to C.C.No.124 of 2018 pending on the file of Special Judge for Economic Offences, City Criminal Courts at Nampally, Hyderabad. Thus, essentially, Writ Appeal is arising out of writ petition, wherein the learned Writ Court exercised its power of judicial review in relation to Criminal Law.

4. In view of the judgment of the Supreme Court in **Ram Kishan Fauji** v. **State of Haryana**[1] and the judgment of High Court for the State of Telangana in **State of Telangana** v. **Tushar Vellapally**[2] and

[1] (2017) 5 SCC 533
[2] 2023 SCC OnLine TS 334

the Gauhati High Court in **Deba Prasad Dutta** v. **State of Assam**[3], the Writ Appeal /Letters Patent Appeal is not maintainable against the order of the writ court when it examined a criminal matter.

5. Admission is declined.

6. Accordingly, the Writ Appeal is dismissed. However, this order will not come in the way of appellants to approach the appropriate forum. No costs.

Interlocutory applications, if any pending, shall also stand closed.

3 2023 SCC OnLine Gau 3615: AIR 2024 Gau 30

SD/-K.SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI DOMINIC FERNANDES (SENIOR STANDING COUNSEL FOR CBIC) Advocate [OPUC]
2. One CC to SRI P.ANWESH REDDY, Advocate [OPUC]
3. Two CD Copies

SA
LS

PA

[3] 2023 SCC OnLine Gau 3615: AIR 2024 Gau 30

HIGH COURT

DATED:17/03/2025

JUDGMENT

WA.No.166 of 2025



DISMISSING THE W.A

WITHOUT COSTS.

(5) PA
25/3/25