

APHC010036062026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3396]

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 531/2026

Between:

1. YARLAGADDA VENKATA RAO, S/O. SESHAGIRI RAO, AGED
ABOUT 56 YEARS, R/O. D.NO. 9-3, ASHOK NAGAR, VIJAYAWADA,
N.T.R DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC
PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, NELAPADU,
AMARAVATHI

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. KILARU NITHIN KRISHNA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 531 OF 2026****ORDER:-**

The Criminal Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') read with Section 482 of Criminal Procedure Code (for brevity 'the Cr.P.C.'), seeking to set aside the impugned order dated 09.01.2026 in CrI.M.P.No.2421 of 2025 in SPL.S.C.No.13 of 2024 on the file of the Special Judge for Trial of cases under SCs & STs (POA) Act, 1989-cum-X Additional Sessions Judge, Krishna, Machilipatnam.

2. Heard Mr.Kilaru Nithin Krishna, learned counsel for the petitioner, and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor, representing the State/Respondent.

3. Learned counsel for the petitioner/Accused No.1 would submit that the petitioner is an elected member of Legislative Assembly representing the Gannavaram Assembly Constituency. He is shown as accused No.1 in Spl.S.C.No.13 of 2024, registered for the offences punishable under Sections 143, 323, 506 read with 34 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act. He further submits that the case is false and based on the political rivalry, this case was registered against him. He would further submit that the petitioner's passport has expired on 22.11.2025. It is submitted

that the petitioner applied for renewal of his passport on 10.10.2025, but later, he came to know that for the renewal of passport, it is necessary to obtain permission from the Court. It is further submitted that the petitioner being an elected public representative, there is no possibility of his absconding. He, therefore, prays to set aside the impugned order dated 09.01.2026 in Crl.M.P.No.2421 of 2025 in SPL.S.C.No.13 of 2024 on the file of the Special Judge for Trial of cases under SCs & STs (POA) Act, 1989-cum-X Additional Sessions Judge, Krishna, Machilipatnam and issue direction for renewal of the passport of the petitioner for a period of ten years, in view of his *bona fide* need to travel abroad for official, personal and business purposes.

4. Learned Assistant Public Prosecutor opposed the petition, contending that the petitioner is accused No.1 in the Special Sessions Case registered for the offences under Sections 143, 323, 506 read with 34 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act, which is pending against him and there are no tenable grounds to issue NOC to the petitioner for renewal of the passport and prays to dismiss the petition.

5. Considering the submissions made and upon perusal of the material on record, it is evident that the petitioner is accused No.1 in Spl.S.C.No.13 of 2024 registered for the offences under Sections 143, 323, 506 read with 34 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act. It is to

be noted that the petitioner is an elected member of Legislative Assembly representing the Gannavaram Assembly Constituency.

6. Mere pendency of a criminal case cannot, by itself, operate as an absolute bar for renewal of a passport, particularly when there is no material placed on record to show that the petitioner has misused the liberty granted to him and attempted to evade the process of law or violated any condition imposed by the Court. It is relevant to note that the right to hold a passport and to travel abroad forms part of the personal liberty guaranteed under Article 21 of the Constitution of India, subject to reasonable restrictions imposed by law. Any restriction on such right must be based on cogent reasons and proportional considerations. In the present case, except stating that permitting renewal of passport for long period of ten years carries a likely risk to the trial, no valid reasons have been assigned by the Trial Court regarding the likelihood of the petitioner, who is a public representative, absconding or hampering the trial.

7. Further, the object of requiring prior permission of the Court is to ensure the presence of the accused and the smooth conduct of the trial. That object can be sufficiently safeguarded by imposing appropriate conditions, rather than by outright rejection of the request for renewal of passport. This Court is therefore of the view that the impugned order suffers from non-application of mind and warrants interference. Grant of permission for renewal of the

passport would not prejudice the prosecution, provided adequate safeguards are put in place.

8. Accordingly, the criminal petition is allowed. The impugned order passed in Crl.M.P.No.2421 of 2025 in SPL.S.C.No.13 of 2024, dated 09.01.2026 by the learned Special Judge for Trial of cases under SCs & STs (POA) Act, 1989-cum-X Additional Sessions Judge, Krishna, Machilipatnam is set aside. The petitioner is entitled for renewal of his passport, subject to his furnishing an undertaking to appear before the Trial Court as and when required and to seek prior permission before undertaking any foreign travel and any other conditions that may be imposed by the trial Court.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

DR.VENKATA JYOTHIRMAI PRATAPA, J

Date: 27.01.2026
S D P

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 531 OF 2026

27.01.2026

SDP