



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

[3521]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 1113/2026

Between:

1. KUDAMALA VENKATA SUBBA REDDY, S/O. RAMA KRISHNA REDDY, AGED ABOUT 36 YEARS, R/O. MALAKATIPALLI VILLAGE, VONTIMMITTA MANDAL, YSR KADAPA DISTRICT. PRESENTLY RESIDING IN KUWAIT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by Public Prosecutor For the State of Andhra Pradesh, High Court of Andhra Pradesh at Amaravathi.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to permit the petitioner to go abroad for pursuing his job by quashing the orders passed in CrI.M.P.No.28 of 2026 in SC.No.93 of 2024, Dt.02.04.2026 on the file of Assistant Sessions Judge, Badvel and pass

Counsel for the Petitioner/accused:

1. KANAKALA DEVI PRASANNAKUMAR

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,')/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') seeking permission for the Petitioner/Accused No.2 to travel abroad for employment, by quashing the orders passed against him in S.C. No.93 of 2024 on the file of the learned Assistant Sessions Judge, Badvel (for brevity, 'the learned Trial Court').

2. Heard learned counsel for Petitioner and learned Assistant Public Prosecutor. Perused the record.

3. On perusal of the record, the Petitioner was arraigned as Accused No.2 in S.C.No.93 of 2024. He is the brother of Accused No.1. He has been residing in Kuwait for the past 16 years. The learned Trial Court, by order dated 04.02.2026 in CrI.M.P.No.28 of 2026 in S.C.No.93 of 2024, dismissed the application filed by the Petitioner under Section 6(2) of the Passports Act, 1967, read with the Gazette of India Notification G.S.R. 570(E), dated 25.08.1993, seeking permission to travel abroad.

4. The alleged offences are punishable under Sections 498-A of the Indian Penal Code, 1860 (for brevity, 'the I.P.C.,'), Sections 3 and 4 of the Dowry Prohibition Act, 1961 and Section 307 of 'the IPC.,' As seen from the charge sheet, there are no specific allegations against the Petitioner. If the Petitioner is not permitted to travel to Kuwait for his employment, his livelihood would be deprived, which is protected under Article 21 of the Constitution of India.

5. Therefore, if permission is granted, the Petitioner shall appear before 'the learned Trial Court' whenever required, including at the time of framing of charges, as he is entitled to be heard; during his examination under Section 313 of 'the Cr.P.C.,' if the prosecution proves its case; and at the stage of hearing on the quantum of sentence, if guilt is established.

6. Considering the facts and circumstances of the case, the Criminal Petition is disposed of, directing that the Petitioner shall appear before 'the learned Trial Court' at the above-mentioned stages of the trial; he shall submit his travel itinerary, passport and visa details, and particulars of his employer in Kuwait to 'the learned Trial Court'; and the Passport Authorities are directed to comply with the directions of 'the learned Trial Court' regarding the Petitioner's appearance in the course of trial.

7. Accordingly, the Criminal Petition is disposed of.

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

DR. Y. LAKSHMANA RAO, J

Date: 12.02.2026
PRA

67

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.1113 of 2026

Date: 12.02.2026

PRA