IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO
CRIMINAL REVISION CASE No.812 of 2026
(CNR.No.HBHC010567312026)
DATE: 12.10.2026

BETWEEN:
Devata Dilip Kumar

.....Revision Petitioner-accused No.1

And

The State of Telangana,
Rep by its Public Prosecutor,
High Court at Hyderabad,
Women Police Station, CCS,
Hyderabad.

.....Respondent-Complainant

ORDER

1. This Criminal Revision Case is filed seeking to set aside the Orders in Crl.M.P.No.439 of 2026 in Crl.M.P.Nos.4008 and 4009 of 2025 in C.C.No.14278 of 2019 dated 27.05.2026 passed by the learned II Additional Chief Judicial Magistrate, FAC XIII Additional Chief Judicial Magistrate, Mahila Court, Hyderabad in Crl.M.P.No.439 of 2026 dated 27.05.2026.

2. Heard Sri G. V. Subrahmanyam, learned counsel appearing for the revision petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing for the respondent–State.

3. Learned counsel for the petitioner submits that the learned trial Court has not appreciated the prevailing circumstances and erroneously dismissed the petition to surrender the passport and redeposit the same on or before 01.05.2026 by imposing costs of Rs.2,000/- payable by 5.00 p.m. on the date of order itself, if the passport is not re-deposited by the month end, the office is directed to address a letter for issuance of LOC besides forfeiting the surety amount. It is settled law that whenever a criminal court has to forfeit the surety amount sufficient notice is required to be given to the accused and after hearing the accused only the surety can be forfeited. In the present case, the petitioner-A1 has sought extension of time to redeposit the passport but the learned trial judge had harshly passed the order for issuance of lookout notice. Petitioner-A1 is charged for the offence under Section 498-A of IPC and the petitioner-A1 is expected to come to India in the month of October, 2026 for attending the death anniversary of his father, as soon as he reaches Hyderabad he would appear before the court and redeposit the passport in compliance of the orders passed by the learned trial court. Even though the learned trial Court has passed the order on 27.05.2026, the certified copy of the order was

received on 01.07.2026 and prayed to set aside the impugned order.

4. Learned Assistant Public Prosecutor submits that the learned trial Court has rightly dismissed the application filed by the petitioner-A1 for extension to deposit the passport, there are no merits in the petition and the same is liable to be dismissed.

5. Petitioner-A1 along with his mother A3 are tried in C.C.No.14278 of 2019 for the offences under Sections 498-A, 406 of IPC and Section 4 of DP act. A2 died after registering the case. Hence, the criminal case against A2 is abated.

6. Learned trial Court has issued Bailable Warrants to petitioner-A1 and A2. Petitioner-A1 along with his father D.V. Subramanyam has filed Crl.M.P.No.1061 of 2025 before the learned trial Court to recall the Bailable Warrants issued against them. The learned trial Court after considering the objections filed by the state has allowed the application on 25.09.2025 on conditions. Condition No.ii is that petitioner-A1 shall deposit the original passport in the Court and shall not leave the country without prior permission, shall appear before the Court on every date of hearing and cooperate for

the speedy disposal of the case in persuance of the above said order. Petitioner-A1 has deposited his passport before the Court.

7. Petitioner-A1 has filed two separate applications vide Crl.M.P.No.4008 of 2025 seeking leave of the learned trial Court to go abroad for six months and another application vide Crl.M.P.No.4009 of 2025 seeking interim custody of his passport bearing No.M65748882. The learned trial Court after considering the objections filed by the prosecution has passed a common order on 20.11.2025 on conditions which reads as under:

> "a) The petitioner is permitted to travel to UK for the period of six months from the date of this order.
>
> b) He shall redeposit his passport before this court after expiry of this period ie., 01-05-2026 and shall appear before this court on the said date.
>
> c) He shall submit an undertaking affidavit that he shall appear before this court for his examination u/s.239 and 313 of Cr.P.C and on the date of judgment and as and when directed by this court.
>
> d) He shall execute a bond for Rs.2,00,000/- (Rupees Two Lakhs) with single surety to the satisfaction of this court."

8. As per the common orders in Crl.M.P.Nos.4008 and 4009 of 2025 dated 20.11.2025 petitioner-A1 was to surrender his passport before the learned trial Court on 01.05.2026. Petitioner-A1 has filed Crl.M.P.No.439 of 2026 to

extend the time to deposit the passport by six months. The reasons mentioned in the above said M.P. is that the war is going on in between U.S.A and Iran and other countries are participating, there is lack of transport problem as such petitioner-A1 could not return to India.

9. The learned trial Court has not considered the request of the petitioner-A1 and dismissed the application which is impugned in the criminal revision case.

10. The reasons mentioned by the petitioner-A1 in Crl.M.P.No.439 of 2026 is that due to lack of transport facility in view of war between USA and Iran and participation of other countries in the war, he was not in a position to come down to India and sought for 6 months extension.

11. Learned counsel for the petitioner-A1 during the course of arguments submits that the petitioner-A1 has to attend his father's one year ceremony and he is likely to come down to India on or before 20th November.

12. The learned trial Court ought to have considered the request of the petitioner-A1 and permitted him to redeposit his passport but instead thereof dismissed the application without considering the situation a broad.

13. This Court is of the view that the order passed by the learned trial Court suffers from perversity and illegality and the same is liable to be set aside. Petitioner-A1 shall redeposit his passport before the learned trial Court on or before 20th November and he shall mark his presence therein.

14. With the above said observations, this Criminal Revision Case is allowed as indicated in the order.

Miscellaneous applications, if any pending, shall stand closed.

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B.R.MADHUSUDHAN RAO, J

Date: 12.10.2026
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