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

**[3521]**

THURSDAY, THE 2<sup>nd</sup> DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL REVISION CASE NO: 653/2026**

**Between:**

DEVINENI AVINASH, S/O LATE RAJA SEKHAR, AGED ABOUT 37  
YEARS R/O H.NO.48 - 4 - 16, ASHOK GARDENS, GUNADALA,  
VIJAYAWADA, NTR DISTRICT.

**...PETITIONER**

**AND**

THE STATE OF ANDHRA PRADESH, Represented by the DSP, CID  
R.O., Guntur, Represented by its Public Prosecutor, High Court of Andhra  
Pradesh.

**...RESPONDENT**

**Counsel for the Petitioner:**

VIVEKANANDA VIRUPAKSHA

**Counsel for the Respondent:**

PUBLIC PROSECUTOR

**The Court made the following:**

**ORDER:**

The Criminal Revision Case has been filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), challenging the order dated 16.06.2026 passed by the learned VI Additional Civil Judge (Junior Division)-cum-Special Court for Trial of CID Cases, Guntur (for brevity, 'the Trial Court'), in Crl.M.P.No.274 of 2026 in Crime No.650 of 2021 of Mangalagiri Rural Police Station (now being investigated by the CID, R.O., Guntur), whereby and whereunder the application filed by the petitioner/Accused No.31 under Sections 451 and 457 of 'the Cr.P.C.,' read with Section 6(2)(f) of the Passports Act, 1967, seeking return of his Passport bearing No.B9882014 and permission to travel abroad, i.e., to the USA, from 30.06.2026 to 15.07.2026, was dismissed.

2. Sri C. Raghu, learned Senior Counsel, representing Mr. Vivekananda Virupaksha, learned counsel for the petitioner, submits that the impugned order rejecting the petitioner's application seeking permission to travel abroad is arbitrary, illegal, and based on irrelevant considerations. He contends that the learned Trial Judge erred in holding that the petitioner's proposed travel to the USA was merely social and celebratory in nature, as such a distinction is unknown to law and violative of Article 21 of the

Constitution of India. He further submits that the investigation has already been completed, the charge sheet has been filed, and the petitioner's presence is not required merely because the FSL report is awaited. Learned Senior Counsel also submits that the petitioner was earlier permitted to travel abroad and had duly complied with all the conditions, thereby demonstrating that he is not a flight risk. He further submits that the petitioner has a fixed place of abode and is willing to abide by any conditions that may be imposed by this Court. Therefore, he prays that the impugned order be set aside and the petitioner be permitted to travel to the USA.

3. *Per contra*, Sri M.Lakshmi Narayana, the learned Public Prosecutor, opposed the petition and supported the impugned order and submits that the learned Trial Court has rightly passed the order refusing permission to the petitioner to travel abroad. He further submits that, previously, the learned Trial Court had granted permission to the petitioner to travel to Burgos, Spain, for a period of 10 days, i.e., from 03.07.2025 to 12.07.2025, as he had to assist his minor daughter in participating in a competition. However, the learned Trial Court dismissed the present petition as no sufficient cause was shown by the petitioner, since the reason assigned for travelling abroad was purely social and celebratory in nature rather than urgent or fundamental. As the reason assigned by the petitioner was not

satisfactory, the learned Trial Court rightly dismissed the petition.

Therefore, he prays that the petition be dismissed.

4. The learned Public Prosecutor further submits that the investigation is still pending. If the petitioner is permitted to travel abroad, the investigation would be hampered. He further submits that the petitioner is also involved in Crime No.412 of 2026 under the provisions of the SC/ST Act and, in order to escape the threat of arrest in the said crime, the petitioner has devised a plan to go abroad. He further submits that the petitioner has challenged the registration of Crime No.412 of 2026 by filing Crl.P.No.5256 of 2026 seeking to quash the said crime.

5. Heard the learned Senior Counsel appearing for the petitioner and the learned Public Prosecutor.

6. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

7. Now the point for consideration is:

*“Whether the order in Crl.M.P.No.274 of 2026, dated 16.06.2026, passed by the learned VI Additional Civil Judge (Junior Division)-cum-Special Court for Trial of CID Cases, Guntur, is correct, legal, and proper with respect to its finding or judgment, and there are any material irregularities? And to what relief?”*

8. As seen from the record, the impugned order is intermediate in nature. Therefore, the revision is well maintainable, as it is not hit by Section 397(2) of ‘the Cr.P.C’.

9. The petitioner has purchased air tickets to travel abroad, though without obtaining prior permission from the learned Trial Court. The petitioner has filed certain documents showing that the first cousin of the petitioner is conducting a housewarming ceremony on 06.07.2026 at 13359 Lauanders Street, Herndon, VA 20171, USA, and that there is a family get-together and lunch on 07.07.2026.

10. The Hon'ble Apex Court, in **Devineni Avinash v. State of A.P.**,<sup>1</sup>, directed the petitioner to surrender his passport before the Investigating Officer and shall not leave the country without prior permission of the investigating officer or permission of the Court , in case charge sheet is filed in the present case.

11. The Hon'ble Apex Court, in **Satish Chandra Verma, IPS v. Union of India**<sup>2</sup>, while referring to the landmark judgment of the Hon'ble Apex Court in **Maneka Gandhi v. Union of India**<sup>3</sup>, held that the right to travel abroad is an important basic human right, for it nourishes the independent and self-determining creative character of the individual, not only by extending his freedom of action but also by enlarging the scope of his experience. The Court further held that the right also extends to private life, marriage, family, and friendship, which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right.

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<sup>1</sup> Special Leave to Appeal (Crl.) Nos.12659–12662 of 2024, by order dated 25.02.2025

<sup>2</sup> Civil Appeal No.3802 of 2019 arising out of SLP (Civil) No.1655 of 2019, decided on 09.04.2019

<sup>3</sup> (1978) 1 SCC 248

12. By making the above observations, the Hon'ble Apex Court found that there was no reason for the Government of India to refuse permission to the appellant therein to travel abroad. Accordingly, the Hon'ble Apex Court directed the authorities to permit the appellant therein to travel abroad, subject to an undertaking that he would return to India on a specified date.

13. In the instant case also, the petitioner intends to attend the housewarming ceremony of his first cousin in the USA. The request of the petitioner cannot be denied on the ground that the purpose of his visit abroad is purely social and celebratory in nature rather than urgent or fundamental.

14. The Hon'ble Apex Court, in **Satish Chandra Verma** *supra*, has clearly held that the right to travel abroad is a basic human right of a citizen of India, and such right cannot be denied by the learned Trial Court or the Investigating Officer. If certain conditions are imposed directing the petitioner to return to India and to attend the process of any inquiry, if necessary, the ends of justice would be sub-served.

15. Considering the entire facts and circumstances of the case, this Court is inclined to allow the Criminal Revision Case by setting aside the impugned order passed by the learned Trial Court.

16. In the result, the Criminal Revision Case is allowed, setting aside the impugned order dated 16.06.2026 passed by the learned Trial Court in

Crl.M.P.No.274 of 2026 in Crime No.650 of 2021 of Mangalagiri Rural Police Station. However, the learned Trial Court and the Investigating Officer are directed to return the passport of the petitioner bearing No. B9882014 and permit the petitioner to travel to the USA from 03.07.2026 to 12.07.2026. The petitioner shall return to India and report before the Investigating Officer or the learned Trial Court on 13.07.2026 without fail. The authorities are directed to do the needful. The petitioner shall submit his itenary to the Station House Officer concerned and also to the learned Trial Court.

17. With the above observations and directions, this Criminal Revision Case is allowed. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

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**Dr. Y. LAKSHMANA RAO, J**

Dated: 02.07.2026  
RSI

**Whether the order is :**

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

**34**

**THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

**CRIMINAL REVISION CASE No.653 of 2026**

**Dated: 02.07.2026**

RSI