IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HONOURABLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.1057 of 2026

(CNR No. HBHC010761442026)

DATED: 13TH NOVEMBER, 2026

BETWEEN:

Mohammed Hameed ...Petitioner

AND

The State of Telangana and another ...Respondents

O R D E R:

This Criminal Revision Case is filed by the petitioner-accused No.3 seeking to set aside the condition imposed in Paragraph No.7 of the order of remand dated 19.10.2026 passed by the learned VII Additional Chief Judicial Magistrate, Hyderabad, in Crime No.391 of 2026 of P.S. Malakpet, Hyderabad, directing him to deposit his passport before the Court.

02. Heard Sri Y. Soma Srinath Reddy, learned counsel, representing M/s. Hasheet Reddy Law Firm, learned counsel for the petitioner-accused No.3 and Sri M. Vivekananda Reddy,

learned Assistant Public Prosecutor appearing for the State-respondent. Perused the material available on record.

03. Learned counsel for the petitioner-accused No.3 submitted that the petitioner is aggrieved only by the condition imposed in Paragraph No.7 of the impugned order, whereby he was directed to deposit his passport before the Court. He contended that such a direction virtually amounts to impounding of the passport and that the learned Magistrate has no jurisdiction to impound the passport, as the power to impound or revoke a passport is vested with the competent authority under Section 10(3) of the Passports Act, 1967. He further contended that the impugned condition is arbitrary and violative of the petitioner's right to personal liberty guaranteed under Article 21 of the Constitution of India. In support of his contention, he placed reliance upon the order dated 28.04.2023 passed by the High Court of Andhra Pradesh at Amaravati in Crl.P.No.1729 of 2023, wherein, in similar circumstances, by relying upon the decision of the Hon'ble Supreme Court in ***Suresh Nanda v.***

CBI[1], the direction issued by the Court therein for deposit of the petitioner's passport was set aside. Therefore, he sought to set aside the aforesaid condition.

04. On the other hand, the learned Assistant Public Prosecutor fairly conceded that the learned Magistrate has no power to impound the passport of the petitioner. However, he submitted that the condition was imposed only with a view to securing the presence of the petitioner during the course of trial. He, therefore, sought liberty to the prosecution to move an appropriate application before the competent authority, in accordance with law, for taking necessary steps in respect of the petitioner's passport.

05. Having considered the rival submissions and the material available on record, this Court is of the view that the condition directing the petitioner-accused No.3 to deposit his passport before the learned Magistrate cannot be sustained. The power to impound or revoke a passport is governed by the provisions of the Passports Act, and the same has to be exercised

[1] (2008) 3 SCC 674

by the competent authority in accordance with the procedure prescribed thereunder. The learned Magistrate, while exercising jurisdiction in the criminal proceedings, cannot direct the petitioner to deposit his passport in a manner which would virtually amount to impounding the same, particularly when such power is not vested in the Court under the Passports Act. It is also relevant to note that the State has fairly conceded the aforesaid legal position. In such circumstances, this Court finds merit in the contention raised by the learned counsel for the petitioner and is of the considered opinion that the direction issued in Paragraph No.7 of the impugned order, insofar as it relates to deposit of the petitioner's passport, is liable to be set aside.

06. Accordingly, the Criminal Revision Case is allowed. The condition imposed in Paragraph No.7 of the order of remand dated 19.10.2026 passed by the learned VII Additional Chief Judicial Magistrate, Hyderabad, in Crime No.391 of 2026 of P.S. Malakpet, Hyderabad, directing the petitioner-accused No.3 to deposit his passport before the Court, is hereby set aside. However, this order shall not preclude the prosecution from

taking appropriate steps, in accordance with law, before the competent authority under the provisions of the Passports Act, if so advised. It is further made clear that the remaining conditions imposed in the order of remand shall remain unaltered. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications, if any, shall stand closed.

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JUVVADI SRIDEVI, J

Date: 13-NOV-2026
KHRM