Seesa Santhosh vs The State Of Telangana on 4 June, 2026

Author: Dipankar Datta

Bench: Dipankar Datta

2026 INSC 628 NON-REPOR

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
[Arising out of SLP (CRL) No. 18022 OF 2025]

SEESA SANTOSH …APPELLA

VERSUS

THE STATE OF TELANGANA AND ANR. …RESPOND

J U D G M E N T

DIPANKAR DATTA, J.

1. Leave granted.

2. Challenge is laid by the appellant to the judgment and order dated 28th October, 20251 passed by the High Court for the State of Telangana at Hyderabad2, allowing a revision petition3 filed by the respondent no. 2, under Section 4424 of the Bharatiya Nagarik Suraksha Sanhita, 20235. The High Court, while allowing the revision petition, set aside the order dated 26th September, 2025 passed by the Principal Sessions Judge, Bhuvangiri6 in Criminal Revision Petition No. 4 of 2025. The impugned order High Court 2KAUR Date: 2026.06.04 17:29:32 IST Reason: 3 Criminal Revision Case No. 751 of 2025 erstwhile section 401 of the Code of Criminal Procedure, 1973 BNSS Sessions Judge Sessions Judge, by the aforesaid order, had set aside an order dated 7th May, 2025 passed by the Principal Junior Civil Judge-cum-Principal Judicial Magistrate First Class, at Bhongir7 disposing of the application of the respondent no.2 seeking return of his passport.

3. The facts relevant for a decision on this appeal are these. Appellant lodged a complaint on 12th October, 2014 regarding the suspicious unnatural death of his father. An unnatural death case under Section 174 of the Code of Criminal Procedure, 19738 was registered. Investigation was initiated

which culminated in registration of FIR No. 173 of 2014 for offences under Sections 120-B and 306 read with Section 34 of the Indian Penal Code, 18609. Respondent no.2 was arrayed as an accused in the said FIR. Chargesheet came to be filed against the respondent no. 2 under Sections 120-B and 306 read with Section 34, IPC on 29th February, 2016. Respondent No.2 instituted Writ Petition No.17530 of 2015 seeking quashing of the FIR and consequential proceedings. In the interim, an application seeking permission to travel abroad was also made by the respondent no.2, which came to be dismissed on 26th August, 2015. The writ petition itself was subsequently withdrawn on 19th October, 2016. Since the respondent no. 2 failed to appear before the trial court and did not engage any lawyer, a non-bailable warrant of arrest and a Look Out Magistrate CrPC IPC Circular10 came to be issued against him. Subsequently, the respondent no. 2 instituted Criminal Petition No. 14462 of 2016 before the High Court seeking quashing of the criminal proceedings. Upon an application made by the respondent no.2, the High Court suspended operation of the LoC by an order dated 14th October, 2016, clarified by order dated 18th November, 2016. Pursuant thereto, the respondent no. 2 left the country in 2017. In the interregnum, another FIR11 under Sections 443, 427, 420 and 506 IPC came to be registered against him. Thereafter, the said petition (Criminal Petition No.14462 of 2016) seeking quashing of criminal proceedings came to be withdrawn by the respondent no. 2 on 23rd August, 2023. On 19th April 2025, upon his return to India, the respondent no. 2 was arrested at the Rajiv Gandhi International Airport, Hyderabad. Upon release from custody, the respondent no.2 filed an application before the Magistrate seeking return of his passport which, as noted above, was disposed of by an order dated 7th May, 2025 but set aside by the Sessions Judge on 26th September, 2025 while deciding the State's revision petition. Thereafter, the respondent no.2 preferred a revision petition before the High Court, which came to be allowed vide the order impugned herein, permitting him to travel back to the United States of America12 subject to certain conditions. It is also pertinent to mention that during pendency of the present proceedings, the respondent no.2 has also LoC USA filed another Criminal Petition No.1744 of 2025 seeking quashing of the criminal case.

4. Mr. Parameshwar, learned senior counsel appearing on behalf of the appellant contended that the respondent no. 2 ought not to be permitted to travel to the USA until the conclusion of the trial. Respondent no. 2, according to learned counsel, has consistently misused the process of law by filing successive petitions and applications with a view to delay and obstruct the progress of the trial. While asserting that the respondent no. 2 has suppressed material facts and proceedings from the Courts, learned senior counsel has further contented that dismissal of the earlier writ petition, i.e., Writ Petition No.17530 of 2015, seeking quashing of the criminal proceedings was not disclosed in the subsequent petitions and applications made before the High Court. It has further been contended that the medical certificate is forged. There is nothing on record to indicate that the respondent no. 2 is suffering from any medical ailment or condition necessitating his travel to the USA. In such circumstances, learned senior counsel has submitted that the condition requiring deposit of the passport is imperative to secure the presence of the respondent no. 2 and to ensure unhindered continuation of the criminal proceedings. Accordingly, prayer is made by him for setting aside the impugned order as well as for restoring the order dated 26th September, 2025 of the Sessions Court.

5. Per contra, Mr. Niranjan Reddy, learned senior counsel for the respondent no. 2 has contended that imposition of a condition requiring surrender of his passport would amount to an unjustified curtailment of the fundamental right to travel abroad under Article 21 of the Constitution of India. Learned senior counsel has submitted that the respondent no. 2 suffered two brain strokes in the year 2023 and has since been undergoing medical treatment in the USA. Respondent no.2 is a citizen of the USA and his family also resides there. Furthermore, the respondent no.2 has extensive business and properties in India. According to learned senior counsel, the delay in conclusion of the trial cannot be attributed solely to the respondent no. 2, inasmuch as the other accused persons had also instituted petitions seeking quashing of the criminal proceedings. In continuation, learned senior counsel has contended that the appellant himself has largely contributed to the delay by seeking further investigation nearly nine years after registration of the FIR. Before concluding, learned senior counsel has contended that the order under challenge is well-considered and well-reasoned and it does not merit any interference. It has, thus, been prayed that the appeal be dismissed.

6. We have heard the learned senior counsel appearing for the parties and perused the material on record.

7. To recapitulate, by an order dated 7th May 2025, the Magistrate directed release of the passport of the respondent no. 2 while clarifying that such release would not, by itself, amount to permission to leave the country and that the respondent no. 2 would be required to obtain appropriate permission from the competent court for any foreign travel. Aggrieved thereby, the State preferred a revision petition before the Sessions Court. The Sessions Court, by its order dated 26th September 2025, reversed the order of the Magistrate and directed the respondent no. 2 to deposit his passport, having regard to the prolonged pendency of the matter. The Sessions Court further recommended to the passport authorities that the movement of the respondent no. 2 be restricted in accordance with the provisions of the Passports Act, 196713. Assailing the aforesaid order, the respondent no. 2 preferred a revision petition before the High Court which has succeeded. The High Court, in exercise of its revisional jurisdiction, set aside the order of the Sessions Court and restored the order passed by the trial court. In addition thereto, the High Court also permitted the respondent no. 2 to travel to the USA after committal of the case, subject to certain conditions. The reason which weighed with the High Court was that the respondent no.2 had appeared before the Magistrate on 12 (twelve) previous occasions and that he required medical treatment in the USA.

8. In the present case, the FIR came to be registered in the year 2014 and the chargesheet was subsequently filed in 2016. As borne out from the material placed on record, the matter still remains at the stage of Passports Act committal. Thus, despite the lapse of nearly ten years since the filing of the chargesheet, the trial is yet to commence. Though delay in criminal proceedings cannot invariably be attributed to the accused alone, the chronology of events in the present case does evince the pro-active role of the respondent no. 2 in seeking judicial intervention at every turn. Since the registration of the FIR, the respondent no. 2 has initiated multifarious proceedings before the High Court, pursuant to which interim protections were granted from time to time, thereby impeding the progress of the trial. Furthermore, the conduct of the respondent no. 2 in withdrawing such petitions before their final adjudication but after securing interim protection in his favour,

raises serious doubts regarding his bona fides. In particular, the allegation of the interim protection granted in the year 2016 suspending operation of the LoC being misused by the respondent no. 2 by leaving the country without seeking leave of the Court, thereby evading the criminal process not only in the present case but also in other proceedings, cannot be simply brushed aside. Be that as it may, we need not examine this allegation in greater depth since we are of the considered view that the impugned order is unsustainable for the reason that follows.

9. The "exigencies of medical treatment to be undergone" by the respondent no.2 and that "he has appeared before the Magistrate Court on the last 12 occasions" coupled with his undertaking to return to India within 6 (six) months were considered good enough reasons by the High Court to interfere in the exercise of its revisional jurisdiction. Having regard to the trajectory of the proceedings right from the date the FIR was registered, the conduct of the respondent no.2, the nature of his ailment, and the medical facilities available in India (which, we believe, are comparable with any facility available in any foreign country), we have no doubt in our mind that the High Court instead of exercising judicial restraint was indulgent towards the respondent no.2 and permitted him to travel to the USA even though all medical facilities exist domestically.

10. An argument has been advanced on behalf of the respondent no. 2 that imposing a condition requiring deposit of his passport or mandating prior permission of the Court before travelling abroad would amount to an infringement of his fundamental right under Article 21 of the Constitution. Suffice it to observe that the right to a speedy trial is equally an integral facet of Article 21. While Article 21 undoubtedly guarantees the fundamental right to personal liberty, which includes the right to travel abroad, such right cannot be viewed in isolation. A balance must be struck between the individual liberty of the respondent no. 2 on the one hand and the right of the appellant to a speedy trial together with the larger societal interest in ensuring the effective administration of criminal justice, on the other. Reference may be made to the decision of this Court in Rajesh Ranjan Yadav v. CBI14 where this Court observed:

> 2007 1 SCC 70
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> 16. We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to individual liberty, but at the same time a balance has to be struck between the right to individual liberty and the interest of society. No right can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether to grant bail to an accused or not is whether he has been in jail for a long time, the court has also to take into consideration other facts and circumstances, such as the interest of the society.

(emphasis ours)

11. Therefore, taking an overall view of the matter, we are of the considered opinion that the order dated 7th May, 2025 passed by the Magistrate was justified on facts and in the circumstances and did not require interdiction. The impugned order of the High Court, as well as the order of the Sessions Judge, is set aside.

12. Parties have not apprised us as to whether the case has been committed to the court of sessions. If not, we encourage expediting the process of committal.

13. However, we clarify that while the respondent no. 2 may not deposit his passport but he shall, at the same time, not be entitled to fly out of the country except in the manner indicated hereafter. Respondent no.2 shall be free to approach the Sessions Court, after committal of the case, for permission to travel abroad, should the need so arise and should he satisfy the Sessions Court in that behalf. If any application is presented, the same may be considered on its own merits and in accordance with law by the Sessions Court. Appropriate conditions may be imposed, in case the Sessions Court is inclined to grant the prayer of the respondent no.2.

14. In any event, the civil, police and airport administration shall coordinate with each other to ensure that the respondent no.2 does not fly out of the country without the express permission of the Sessions Court referred to above.

15. We also clarify that the observations made in this order will not be treated as findings on the merits of the case.

16. The appeal is, accordingly, disposed of on the aforesaid terms.

17. Pending application(s), if any, shall also stand disposed of.

……J. (DIPANKAR DATTA) ……J. (SATISH CHANDRA SHARMA) NEW DELHI;

JUNE 4, 2026.