

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 10009 of 2024

Petitioner :- Ramendra Kumar Misra

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko And 2 Others

Counsel for Petitioner :- Anchal Mishra, Satyendra Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner and learned A.G.A. for the State-respondents.

2. This writ petition has been filed by the petitioner seeking following main relief :-

"I. A writ, order or direction in the nature of Mandamus commanding the opp. party no.2, directed to decide the representation dated 27.11.2024 in stipulated time. "

3. The contention of learned Counsel for the petitioner is that one false case was registered as Case Crime No.1831 of 2020, under Section 420, 467, 468, 120-B I.P.C. and Section 66(D) of I.T. Act, Police Station-Gajipur, District-Lucknow. The charge-sheet has been filed in the aforesaid case but charge has not been framed against petitioner as yet. Further submission is that the petitioner is being harassed by the police. Petitioner has moved an application dated 27.11.2024 for cancellation of entries of H.S. No.32 of 2021 at P.S. Hardi, District-Bahraich. In support of his arguments, he has placed reliance on Section 231 of the U.P. Police Regulations, which reads as under:-

"(231) The subjects of history sheets of class A will unless they are 'starred' remain under surveillance for at least two consecutive year of which they have spent no part in jail. When the subject of a history sheet of class A whose name has not been 'starred' who has never been convicted of cognizable offence and has not been in jail or suspected of any offence or absented himself in suspicious circumstances for two consecutive years his surveillance will be discontinued, unless for special reasons to be recorded in the inspection book of the police

station the Superintendent decides that it should continue.

When the subject of a history sheet of class A is "starred" he will remain starred for at least two consecutive years during which he has not been in jail or been suspected of a cognizable offence or had any suspicious absence recorded against him. At the end of that period, if he is believed to have reformed he will cease to be "starred" but will remain subject to surveillance will be discontinued only if during that period no complaints have been recorded against him.

In closing the history sheets of any "unstarring" ex-convicts and especially ex-convicts dacoits great care should be exercised."

4. In view of the above, learned Counsel for the petitioner submits that continuance of his name in the history sheet is contrary to Regulation 231 of the U.P. Police Regulations.

5. After arguing at some length, learned Counsel for the petitioner submits that the grievance of the petitioner will be sufficiently met if the petitioner is permitted to move a representation before the Superintendent of Police, District-Bahraich and this Court may direct the Superintendent of Police, District-Bahraich to pass reasoned and speaking order on the representation made by the petitioner in a time bound manner.

6. Learned AGA states that there being no provision under any law including U.P. Police Regulations whereunder the police authorities are under any obligation or compulsion to close the history sheet, the prayer for deleting petitioner's name from the history sheet is thoroughly misconceived and cannot be granted.

7. Having regard to the submissions of learned Counsel for the parties and going through the record available before this Court in the present writ petition, this Court finds that the grounds for claiming reliefs as prayed in the present writ petition are *bona fide*.

8. For the said purpose, it is open for the petitioner to submit a representation before the Superintendent of Police, Bahraich bringing on record all the facts

and proceedings which are sufficient for the Superintendent of Police, Bahraich to form an opinion to keep or not to keep the petitioner under surveillance.

9. In view of the above discussion, we grant liberty to the petitioner to file a representation before the Superintendent of Police, Bahraich along with certified copy of this order, ventilating his grievance, the petition stands disposed of with a direction that in case, such a representation is filed by the petitioner within a period of three weeks from today, the Superintendent of Police, Bahraich shall pass a reasoned and speaking order strictly in accordance with law expeditiously.

Order Date :- 20.12.2024
Arti/-

[Om Prakash Shukla,J.] [Vivek Chaudhary,J.]