

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No. 22969 OF 2015
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of the respondent police in continuing the rowdy sheet No.110-C opened against the petitioner herein.

2. Heard Sri M.L.Ali, learned counsel for the petitioner and learned Government Pleader for Home, appearing for the respondents.

3. According to the petitioner, the police on 11.03.2008 registered two Crime Nos.25 and 26 of 2008 under Section 324 IPC and u/s 3(1) (X) of Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 and subsequently, on 10.04.2008, another crime was registered Vide FIR No.35/2008, under Section 324 of IPC. It is the further case of the petitioner herein that the said case ended either in acquittal or in compromise and according to the petitioner, no case is pending against him. It is further stated that even after acquittal by the learned Sessions Judge on 25.03.2010, respondents are continuing the rowdy sheet. It is the further case of the petitioner that he is permanent resident of Tenali Town, and running tent house and eking out his livelihood and his old aged parents are dependent on him and continuance of the rowdy sheet and his implication in the criminal cases, though ended in acquittal, are putting him in lot of inconvenience in the society. It is the submission of the learned counsel for the petitioner herein that in the absence of necessary ingredients of Police Standing Orders No.601, the further continuance of the rowdy sheet against the petitioner herein is impermissible and unwarranted.

4. On the otherhand, reiterating the contents of the counter affidavit filed by the Sub-Divisional Police Officer, Tenali, it is submitted by the learned Government Pleader that even though four criminal cases were registered against the petitioner herein earlier, the same ended

either in acquittal or in compromise. It is also stated by the learned Government Pleader that Crime No.155 of 2014 registered against the petitioner herein on the file of Tenali II Town Police Station under Section 107 Cr.P.C. is still pending consideration and the Tahasildar/Mandal Executive Magistrate, Tenali, also passed an order under Section 111 Cr.P.C. in M.C.No.217/2014, dated 01.08.2015, calling upon the petitioner herein to execute bond to keep peace in the village and the said order is still subsisting.

5. It is further stated by the learned counsel for the petitioner herein because of the continuance of the rowdy sheet against the petitioner herein, no marriage alliances are coming forward and the said continuance is acting as stigma on the social life of the petitioner herein. Admittedly, in the present case, Crime Nos.25 and 26, were registered on the file of the Tenali II Town Police Station ended in acquittal and Crime No.35/2008 on the file of the same police station also ended in compromise and another crime No.126/2014 registered for the alleged offences under Section 436 IPC on the file of the same police station was referred as un-detectable. Therefore, the only crime, which is pending as on date against the petitioner herein is Crime No.155/2014 registered on the file of Tenali II Town Police Station for the alleged offence under Section 107 Cr.P.C., wherein the Tahasildar/Mandal Executive Magistrate, by way of an order dated 01.08.2015, called upon the petitioner herein to execute bond to keep peace in the village.

6. It is also submitted by the learned counsel for the petitioner that the petitioner herein is now a man of changed attitude and in view of the continuance of the rowdy sheet, nobody is coming forward for marriage alliances and the same is acting as stigma on his social life.

7. A rowdy sheet cannot be opened in a mechanical and routine manner. A great amount of care, caution and circumspection are required to be observed for opening and continuance of the rowdy sheet as the same undoubtedly touches the personal liberty of the

citizen and will have considerable impact on the fundamental rights as enshrined under Chapter III of the Constitution of India. The opening and continuance of the rowdy sheet unhesitatingly tarnishes the image of the individual in the public.

8. It is incumbent on the part of the police authorities to verify as to whether the conduct of the individual attracts the necessary ingredients of Standing Orders No.601 of Andhra Pradesh Police Standing Orders for opening and continuance of the rowdy sheet and the same is required to be supported by proper and valid reasons.

9. Taking into consideration the totality of the circumstances and after giving thoughtful consideration to the issue, writ petition is disposed of, permitting the petitioner herein to make necessary application, requesting for discontinuance of rowdy sheet against him by showing necessary reasons within a period of two weeks from the date of receipt of this order. If any such application is made to the competent authority, the same shall be considered and appropriate orders be passed by the competent authority, in accordance with law, within a period of two weeks thereafter as per police standing orders.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

13th August, 2015

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