

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.40961 of 2014

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ORDER:

The petitioner questions opening and continuing of a rowdy sheet against him in the 4th respondent Police Station though he is not involved in any other case.

The petitioner states that he is not involved in any offence except in one case i.e., C.C.No.439 of 1999 on the file of the Judicial First Class Magistrate, Kodad, wherein he was shown as 2nd accused in the array of 15 accused. The petitioner also states that he was acquitted in the said case and the Revenue Divisional Officer registered only bind over case under Section 107 Cr.P.C. being Case No.163 of 2008 and no other fresh cases are registered against him. Hence, the grievance of the petitioner is that continuation of rowdy sheet against him is causing hardship to him as police are repeatedly calling and detaining him in the police station on the basis of the said rowdy sheet. The petitioner states that opening and continuation of rowdy sheet is also contrary to Police Standing Orders 601.

The counter affidavit filed by the 4th respondent shows that the petitioner was acquitted in C.C.No.439 of 1999 by judgment, dated 27-08-2002 passed by the learned Judicial First Class Magistrate, Kodad, and subsequently, a bind over case in Cr.No.163 of 2008 was registered under Section 107 Cr.P.C. on the file of Mellacheruvu Police Station. It is stated that on 20-12-2000, the rowdy sheet was opened against the petitioner and the same is continued from time to time and it is extended till 31-12-2015 on the file of Mellacheruvu Police Station.

Paragraph '5' of the counter specifically states that except the above case, no other fresh case is pending or registered against the petitioner. However, on the basis of information that the petitioner is

indulging in unlawful activities, rowdy sheet is being continued and renewed from time to time.

It is evident from the above that the criminal case filed against the petitioner ended in acquittal in 2002 itself and thereafter except bind over case in the year 2008, he is not found involved in any other criminal case since then. Hence, I am unable to accept as to how the petitioner can be described as a habitual offender and how the rowdy sheet can be continued against him even after his acquittal in C.C.No.439 of 1999. Hence, the writ petition deserves to be allowed and is accordingly allowed as prayed for. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 21-01-2015

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