

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

MONDAY THE TWENTYSIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26503 OF 2015

-

Between:

Vicharapu Srinivasa Rao
@ Muttom Srinu ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Superintendent of Police,
Guntur, Guntur district & Ors. ... Respondents

Counsel for the Petitioner: Sri K. Rramakoteswara Rao
Sri B.Naganjaneyulu

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26503 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To direct the respondents to discontinue the Rowdy sheet No.315 opened against the petitioner on 12/6/2012 on the file of fourth respondent Police Station and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Sri K. Ramakoteswara Rao, learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 4.

3. According to the petitioner, he is a businessman, having no criminal background but his name was falsely implicated as A-6 by his brother-in-law in Crime No.69/2012 dated 15/03/2012 on the file of Repalle Police Station, Guntur district for the offences punishable under sections 120-B, 307 read with section 34 or IPC and section 27 of Arms Act, 1959. It is further stated that the said Crime No.69/2012 culminated in SC.No.295/2013 on the file of the Court of Principal Assistant Sessions Judge, Repalle, Guntur district and the said court by way of judgment dated 20/11/2014 acquitted the petitioner. It is contended by the learned counsel for the petitioner that the action of respondent police authorities in

opening and continuing rowdy sheet is contrary to the A.P. Police Standing Orders and the law laid down by this court in various pronouncements.

4. On the contrary, it is stated by the learned Government Pleader that the petitioner herein is having desperate character and involved in many offences resulting in breach of peace and he is frequently involving in quarrels and creating havoc in the village with his high handed and rude behaviour, but no one came forward to lodge complaint against him due to fear.

5. In the counter-affidavit, it is stated by the Sub-Divisional Police Officer, Bapatla that it is open for the petitioner to make an application before the respondents requesting to close the rowdy sheet. It is also stated that after receipt of the application from the petitioner, the respondent police authorities will review the same as per law.

6. While referring to the above said averments mentioned in the counter-affidavit, it is requested by the learned counsel for the petitioner herein that the petitioner herein will make necessary application before the second respondent – Deputy Superintendent of Police, Bapatla Division, Bapatla, Guntur district, for closure

rowdy sheet and the same may be directed to disposed of by fixing some time frame. The said request is not opposed by the learned Government Pleader for Home.

7. For the aforesaid reasons, the writ petition is disposed of, without expressing any opinion on the merits of the matter, by permitting the petitioner to make an application before the second respondent – Deputy Superintendent of Police, Bapatla Division, Bapatla, Guntur district, with a request for closure of the rowdy sheet, within a period of one month from the date of receipt of a copy of this order. If any such application is made, appropriate orders be passed by the second respondent in accordance with law within two months thereafter. No costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

26/10/2015
Is L

HONOURABLE SRI JUSTICE A.V. SETHA SAI

—

WRIT PETITION NO. 26503 OF 2015

-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

Date:26/10/2015
Circulation No.
Court Master: I s L