

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.20851 of 2012

ORDER:

The grievance of the petitioner was that the police authorities were still maintaining a rowdy sheet in his name on the file of Tangutur Police Station, Prakasam District, without taking any action upon his representation dated 29.10.2011. It was his case that no complaint or crime was pending or registered against him after the year 2009 but notwithstanding the same, the rowdy sheet in his name was still being maintained.

The Sub-Divisional Police Officer, Ongole Sub Division, Prakasam District, filed a counter-affidavit dated 11.08.2015 stating that the petitioner was involved in several crimes. It is relevant to note that the rowdy sheet against the petitioner was opened on 11.12.1997 and was thereafter extended from time to time, the last such extension being up to 31.12.2015. At the time that the rowdy sheet was opened in December, 1997, there was no criminal case pending against the petitioner. Significantly, Crime No.85 of 1996 registered against him ended in his acquittal in C.C.No.241 of 1996 on 15.02.1997 and Crime No.21 of 1995 registered against him also ended in his acquittal in C.C.No.297 of 1997 on 27.01.1997.

Therefore, at the time the rowdy sheet was opened there was not even a single complaint/case registered or pending against the petitioner. In the light of the law laid down by this Court in **KAMMA BAPUJI v. STATION HOUSE OFFICER, BRAHMASAMUDRAM**^[1] and **PUTTAGUNTA PASI v. COMMISSIONER OF POLICE, VIJAYAWADA**^[2], involvement in at least more than two cases is required for an inference to be drawn that a person is a habitual offender.

In the present case, this requirement was not fulfilled justifying the opening of the rowdy sheet in the name of the petitioner. Though the counter-affidavit states that the petitioner continued to be involved in criminal cases thereafter and that two cases are pending presently, one at the stage of investigation and the other at the stage of trial, the opening of the rowdy sheet against the petitioner in the year 1997 cannot be justified being in utter violation of the law laid down by this Court. In the event the subsequent involvement of the petitioner in criminal cases warranted opening of a rowdy sheet in his name, it is for the police authorities to apply their mind and take appropriate steps in that regard in accordance with the rules. So far as the opening of the rowdy sheet in the year 1997 is concerned, the same was without legal foundation.

The writ petition is accordingly allowed to that extent directing the respondents to forthwith close the rowdy sheet opened against the petitioner in the year 1997. This, however, shall not preclude the police authorities from applying their mind and taking a decision afresh as to whether the opening of a fresh rowdy sheet in the name of the petitioner is warranted on facts and in accordance with the relevant guidelines.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:04.09.2015

GJ

[\[1\]](#) 1997 (6) ALD 583

[\[2\]](#) 1998 (3) ALT 55 (D.B.)