

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

* * * *

WRIT PETITION No.27231 OF 2007

—

—

Between:

Ulligaddala Nageswara Rao and others

.. Petitioners

And

The Superintendent of Police,
Guntur District and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.27231 of 2007

ORDER:

The grievance of the petitioners in this case was with regard to
the opening of rowdy sheets in their names on the file of Macherla

Town Police Station, Guntur District.

The Sub-Divisional Police Officer, Gurazala Sub-Division, Guntur Rural District, furnished written instructions dated 30.07.2015 to the office of the learned Government Pleader for Home, wherein he stated that the four petitioners herein were involved in Crime No.51 of 2007 registered under Sections 323, 342, 363 and 506 I.P.C. read with Section 34 I.P.C. on the file of Macherla Town Police Station and therefore, rowdy sheets were opened in their names as per the proposals of his office on 07.09.2007. However, the petitioners were stated to have been acquitted on 30.03.2009. The Sub-Divisional Police Officer further stated that the rowdy sheet opened in the name of the first petitioner was subsequently transferred to Durgi Police Station while the rowdy sheets opened in the names of the third and fourth petitioners were closed. Insofar as the second petitioner is concerned, it is stated that he was also involved in Crime No.108 of 2009, which was registered under Sections 323, 341 and 379 read with Section 34 I.P.C., but the same ended in a compromise before the Lok Adalath held by the learned Principal Junior Civil Judge, Macherla, on 30.06.2009.

This Court has time and again held that unless a person is involved in more than two criminal cases, the police cannot infer that he is a habitual offender, which is one of the bases for opening a rowdy sheet in his name. (**KAMMA BAPUJI V/s. STATION HOUSE OFFICER, BRAHMASAMUDRAM**^[1] and **PUTTAGUNTA PASI V/s. COMMISSIONER OF POLICE, VIJAYAWADA**^[2]).

Admittedly, in the present case, rowdy sheets were opened in the names of the petitioners on their involvement in one single offence. Insofar as the first petitioner is concerned, even now there is no mention of any other criminal case being registered against him. Insofar as the second petitioner is concerned, it is stated that one more crime was registered against him but the same was also

compromised. Thus, the number of cases in which these petitioners were involved never exceeded two. The opening of rowdy sheets in their names was therefore unsustainable in law in its very inception as per the law laid down by this Court.

The writ petition is accordingly allowed directing the respondents to close the rowdy sheets still being continued in the names of the first and second petitioners on the files of Durgi and Macherla Town Police Stations respectively in Guntur District.

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

JUSTICE SANJAY KUMAR

11th August, 2015
IBL

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

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