

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11100 of 2012

ORDER:

The grievance of the petitioners was as to the rowdy sheets opened in their names on the file of the I Town Police Station, Nandyal, Kurnool District. A consequential direction was sought to the police authorities to close the said rowdy sheets.

The Superintendent of Police, Kurnool District, filed a counter-affidavit stating that the first petitioner was involved in two criminal cases under the Andhra Pradesh Gaming Act, 1974, while the second petitioner was involved in three such offences under the same Act. They were stated to have suffered conviction in these cases. Significantly, all these cases were long ago being of the years 2001, 2004 and 2005. Admittedly, no criminal case has been registered against the petitioners after the year 2005. Notwithstanding the same, the Superintendent of Police stated that keeping a close surveillance upon the petitioners was required so that they may not commit the offences again.

However, it is relevant to note that the offences alleged against the petitioners are only under the Andhra Pradesh Gaming Act, 1974, and there is no indication of their being a threat to the public peace or general law and order. That apart, it is clear that the first petitioner was only involved in two criminal cases. The law laid down by this Court in **KAMMA BAPUJI V/s. STATION HOUSE OFFICER, BRAHMASAMUDRAM^[1]** a n d **PUTTAGUNTA PASI V/s. COMMISSIONER OF POLICE, VIJAYAWADA^[2]** required the involvement of a person in more than two criminal cases for the police authorities to open a rowdy sheet in the name of such person. The police authorities therefore acted in ignorance of this legal position and they opened a rowdy sheet in the name of the first petitioner on his involvement in two criminal cases only. This Court is also conscious

of the fact that the Police Standing Orders permit the police authorities to apply their mind to the requirement of continuing a rowdy sheet in cases where the conviction of the rowdy-sheeter was long ago.

As the Superintendent of Police stated that the rowdy sheets opened in the names of the petitioners have been extended up to 31.12.2015, it shall be open to the petitioners to submit a fresh representation setting out the relevant particulars and the legal position as laid down by this Court. Thereupon, the Sub Divisional Police Officer, Nandyal, the second respondent, shall apply his mind, consider the said representation in terms of the Standing Orders and the legal position and take appropriate action in the matter under due intimation to the petitioners.

The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

27th October, 2015
IBL

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

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