

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.7439 of 2014

ORDER:

This writ petition filed under Article 226 of the Constitution of India, challenges the action of the second respondent/the Deputy Superintendent of Police, Kadapa District, Kadapa, in opening the Rowdy Sheet No.248 of Yerraguntla Police Station, Kadapa District against the petitioner as illegal, arbitrary, violative of the principles of natural justice and contrary to Article 21 of the Constitution of India.

2. Heard Sri D.Kodanda Rami Reddy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. According to the petitioner, he is working as a Civil Assistant Surgeon on contract basis from 16.08.2007 at District Hospital, Andhra Pradesh Vaidya Vidhan Parishad, Proddatur, Kadapa District. Basing on a complaint lodged by the police constable of Yerraguntla Police Station saying that the petitioner herein abused him in filthy language and assaulted him, the Station House Officer, Yerraguntla Police Station registered Crime No.103/2007 for the offences punishable under Sections 353, 323 and 506 I.P.C. After filing of charge sheet, the same was numbered as C.C.No.139/2009, on the file of Judicial First Class Magistrate, Kamalapuram, Kadapa District and the learned Judge by judgment dated 03.09.2010 acquitted the petitioner herein. It is also stated in the writ affidavit that on a complaint given by one Jayabharath Reddy, the Sub-Inspector of Police, Yerraguntla Police Station registered Crime.No.162/2011 against the petitioner and three others under Sections 447, 341, 323 and 506 r/w 34 I.P.C and after filing the charge sheet, the same was numbered as C.C.No.200/201,1 on the file of the Court of Judicial First Class Magistrate, Kamalapuram and the said C.C.No.200/2011 was referred to Lok Adalat and the same was compounded after recording compromise on 19.01.2013.

4. According to the petitioner, no other case is pending against him and the action of the respondents herein in continuing the Rowdy Sheet is unwarranted. It is pleaded that the petitioner herein submitted a representation to the fourth respondent on 28.11.2013 to delete his name from the Rowdy Sheet, but no action has been taken so far by the respondents on the said representation. It is also submitted by the learned counsel for the petitioner that the petitioner herein submitted a representation to the Superintendent of Police, Kadapa for deletion of his name from the Rowdy Sheet, but no action has been taken.

5. A counter affidavit is filed by the Sub-Divisional Police Officer, Kadapa/second respondent herein, giving particulars of the cases registered against the petitioner herein. According to the said counter the case pertaining to Cr.No.103/2007 registered for the alleged offences under Sections 353, 323 and 506 I.P.C ended in acquittal on 03.09.2010 vide C.C.No.139/2009, on the file of Judicial First Class Magistrate, Kamalaapuram, Kadapa District and the case pertaining to Cr.No.162/2011 registered for the offences under Sections 447, 341, 323 and 506 r/w 34 I.P.C also ended in compromise on 19.01.2013 vide C.C.No.200/2011 by the Lok Adalat. The counter further states that the Mandal Executive Magistrate, Yerraguntla bounded over the petitioner for his good behavior on 09.04.2014 vide M.C.No.85/2014. The counter seeks to justify the action of continuing of rowdy sheet by stating that in view involvement of the petitioner in the criminal cases and in order to curb and curtail his unlawful activities and by stating that the petitioner herein is at Proddutur and actively participating in local politics by monitoring the situation through his associations and the movements of the petitioner have to be put under watch of police to maintain peace in the area. Counter further states that in view of the past records, the police are maintaining rowdy sheet to get close surveillance on the petitioner to maintain peace and tranquility in the area.

5. Learned counsel for the petitioner has placed on record the

proceedings of the Tahsildar & Mandal Executive Magistrate, Yerraguntla issued under Section 110 of the Code of Civil Procedure vide M.C.No.85/2014 dated 09.04.2014, which shows that the bound over period of one year subject to furnishing security of Rs.50,000/- came to an end on 06.04.2015 i.e., expiry of one year.

6. As evident from the counter affidavit and also from the order dated 09.04.2014 passed in Mc.No.85/2014 there are no criminal cases pending against the petitioner herein. This fact is not disputed by the other side.

7. In view of the above reasons, the petitioner herein cannot be stated to fall under the category of habitual offender which is essential for opening and continuing rowdy sheet against a person. The justification sought to be offered in the counter affidavit filed by the second respondent is contrary to the principles laid down by the judgment of this Court in **MOHAMMED QUADEER & ORS v. COMMR. OF POLICE, HYD AND ANR**^[1].

8. In the circumstances, this Court finds absolutely no justification on the part of the respondents in continuing the rowdy sheet against the petitioner herein and the rowdy sheet is liable to be quashed and is accordingly quashed.

9. Writ petition is accordingly allowed. However, if the petitioner is found involved in unlawful activities, it is open for the respondents to take appropriate action against him, in accordance with law. As a sequel, Miscellaneous Petitions if any, shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

Date:09.07.2015
grk

WRIT PETITION No.7439 of 2014

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Dated 09th July, 2015

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.7439 of 2014

Dated 09th July, 2015

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Between:

Dr. Mule Sudheer Reddy s/o Venkata Subba Reddy,
Aged about 33 years, Occ: Civil Asst. Surgeon,

Government District Hospital, APVVP,
Proddutur, Kadapa District.

... Petitioner

and

The Superintendent of Police,
Kadapa District, Kadapa and three others.

... Respondents

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4245 of 2015

O R D E R:

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

“To issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not closing the rowdy sheet (B Grade) opened against the petitioner on the file of the 4th respondent is illegal, arbitrary and violative of article 14 and 21 of the constitution of India.”

2. Heard Sri S.Appadhara Reddy, learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. According to the petitioner, he is a resident of Vijayawada and studying B.Tech and a rowdy sheet (B Grade) was opened against the petitioner on the ground that he was involved in criminal cases for the offence punishable under Sections 323, 324 and 506 r/w 34 I.P.C. It is also the case of the petitioner herein that all the cases filed against him ended in acquittal and there are no cases pending against him as on date. It is the grievance of the petitioner herein that basing on the rowdy sheet, the respondents are calling him to the police station without any reason. It is further pleaded that the petitioner herein made a representation to the respondents to cancel the rowdy sheet opened against him and so far no action has been taken by the respondents.

4. Learned counsel for the petitioner submits that the action of the respondents in continuing the rowdy sheet without there being any criminal case against the petitioner is illegal, unsustainable and is violative of Articles 14 and 21 of the Constitution of India. It is further contended that the petitioner herein is not a habitual offender.

The Assistant Commissioner of Police, Central Zone, Vijayawada City/the third respondent herein has filed a counter affidavit which shows that the petitioner herein was found involved in five criminal cases. It is also further clear from the counter affidavit that all the cases registered against the petitioner herein ended in acquittal. It is also stated at paragraphs 5 to 9 of the counter affidavit as follows:

“5. It is humbly submitted that, the respondent involved in the following cases:-

1. Cr.No.512/2010, U/Sec.324 r/w 34 IPC at OPatamata E Seva Center, Vijayawada City and the petitioner is A1 in this case, and it was acquitted on 21.01.2012 Vide CC.No.662/2012.
2. Cr.No.442/2011, U/Sec. 324 r/w 34 IPC at High School Road, Patamata, Vijayawada City and the petitioner is A4 in this case, and it was acquitted on 15.06.2012 vide CC.No.473/2011.
3. Cr.No.605/2011, U/Sec.363, 323, 506 r/w 34 IPCT at 4th

Road, RTC Colony, Patamata, Vijayawada City and the petitioner is A4 in this case, and it was acquitted on 11.06.2013 vide CC.No.165/2013.

4. Cr.No.370/2012, U/Sec.324 r/w 34 IPC at patamata Lanka, Patamata, Vijayawada City and the petitioner is A3 in this case, and it was acquitted on 28.06.2014 vide CC.No.453/2012.
5. Cr.No.221/2012, U/Sec. 324 r/q 34 IPC at Police Station Bazar, Krishna lanka, Vijayawada City and the petitioner is A3 in this case, and it was acquitted 12.04.2014 vide CC.No.536/2012.
6. Cr.No.395/2013, U/Sec.324, 506 r/w 34 IPC at Siddartha College Center, Machavaram and the petitiorn is A2 in this case, and it was acquitted on 18.11.2014 vide CC.No.682/2013.
6. It is further submitted that a rowdy sheet will be opened and maintained over persons who are involving the cases.
 - a. Who disturbing peace and order in the society.b. A rowdy sheet (Form-D) will be opened under the orders of SP/SDPO against the persons mentioned.
 - c. Persons bund over under sections 106, 107, 108 (1) (1) and 110 (e) and (g) of Cr.P.C.
 - d. Persons who have been convicted more than once in two consecutive years under Sec 3 (12) of the A.P. Towns Nuisance Act.
 - e. A person who habitually tease women and girls and peace indecent remarks.
 - f. A person who intimate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money extortion from shopkeepers, traders and other residents.
 - g. Persons who incite and instigate communal/caste or political riots.
 - h. Persons detained under the A.P. Prevention of Dangerous activities of Bootleggers, Dacoits, Drug Offenders, Gondas, Immoral traffic offences and land-grabbers Act, 1966 for a period of 6 months or more.
 - i. Persons who are convicted for offences under the representative of the peoples act for rigging and carrying away ballot paper, boxes and other polling materials.
 - j. Rowdy sheet for the rowdies in one police station are but found frequenting the other police stations area can be maintained at all such police stations.

5. It is further submitted that a close watch has to be maintained on his day to day activities including his movements associates, current doings/plans etc. and necessary entries made as frequently as deemed necessary in any case not more than one month period, apart from the checking his current doings, he may be called to the P.S. frequently and his activities, doings ascertained kby the officers in charge of the police station. It there is potential threat to the peace and order from a rowdy or any person, on such a case security proceedings shall be initiated to keep his rowdy activities under control.

6. It is also submitted that all the Commissioners of Police and all the Superintendent of police, are instructed to ensure that rowdy sheets are opened in respect of individuals wherever necessary, they are maintained in a meaningful manner and also the relevant sheets are closed when the threat from a rowdy sheeteer ceases to exist.

7. It is respectfully submitted that the petitioner made allegations by the respondent police is base less. The Rowdy sheet is opened by the Ass. Commissioner of Police, Central Zone, Vijayawada City, the Rowdy sheeteer Donepudi Rajesh is involved in so many grave crimes. The respondent police has put an eagle eye on the rowdy sheeteer to prevent grave crimes from him. He is under control of surveillance to maintain Law and Order.

8. It is further submitted that the petitioner herein was involved the above said cases hence the rowdy sheet was opened against him. And the same was continued as he was involved in so many cases.

9. It is further submitted that as per Law, with in stipulated time the proceedings are reviewed by the Competent Authority and extended the period up to 31.12.2105 to maintain the Law and Order by watching the accused in the jurisdiction."

6. As evident from the counter affidavit, the petitioner herein was acquitted from all the criminal cases. It is categorically pleaded that no cases are pending against the petitioner herein as on today and the same is not disputed in the counter affidavit. In view of the said reason, the petitioner herein cannot be stated to fall under the category of habitual offender which is essential for opening and continuing rowdy sheet against any person.

7. The justification sought to be offered in the counter affidavit filed by the respondents is contrary to the principles laid down by the judgment of this Court in MOHAMMED QUADEER & ORS v. COMMR. OF POLICE, HYD AND ANR[1]

8. In the circumstances, this Court finds that absolutely there is no justification on the part of the respondents in continuing the rowdy sheet against the petitioner herein and the rowdy sheet

is
liable to be quashed and is accordingly quashed.
9. Writ petition is accordingly allowed. However, if the
petitioner is found involved in unlawful activities, it is open for the
respondents to take appropriate action against him, in accordance
with law. As a sequel, Miscellaneous Petitions if any, shall stand
disposed of. No order as to costs.

A.V.SESHA SAI,J

Date: 15.06.2015
grk

WRIT PETITION No.4245 of 2015

Dated 15TH June, 2015

grk

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4245 of 2015

Date:15.06.2015

Between:

Donepudi Rajesh,
S/o Siva nageswara Rao,
Aged about 23 years,
Flat No.301, Vinayaka Towers,
Palli Subbaiah Street, Curancy Nagar,
Vijayawada, Krishna District.
... Petitioner

and

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Home Department, Secretariat, Hyderabad
and three others.
... Respondents

[1]
1999 (3) ALD 60

[\[1\]](#) 1999(3) ALD60