

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

W.P.No.26856 of 2014

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein opening and continuing the rowdy sheet against the petitioner herein in Respondent No.2 police station inspite no case is pending as illegal, arbitrary, against the law and violation of right to life and personal liberty and it is further prayed to declare the action of the respondent Nos.2 and 3 herein threatening the petitioner herein to appear before their stations openly without due process of law and against the rule of law, it is also further prayed that this Court pleased to direct the respondents herein to initiate the disciplinary and criminal proceedings against the respondent Nos.2 and 3 under Sections 22 and 19 of Police Law and it is also consequently prayed that the respondents herein action threatening the petitioner to appear before them against the orders in W.P.No.26785 of 2008”.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the material available on record.

3. The petitioner herein complains opening and continuing of rowdy sheet against him. It is also the case of the petitioner that no single case is pending against him. It is also the case of the petitioner that the respondent registered a false case against the petitioner herein, which was numbered as S.C.No.408 of 2009 on the file of the IX Additional District and Sessions Judge, Ranga Reddy district for the offence under Section 302 IPC and the learned Judge conducted trial and finally the same ended in acquittal on 25.3.2014.

4. The Inspector of Police, Pahadisharif, Cyberabad, Ranga Reddy district-2nd respondent herein has filed a counter affidavit, which shows that the petitioner herein was acquitted in S.C.No.408 of 2009 on 25.3.2014 and no fresh case is either pending or registered against the

petitioner herein on the file of Pahadisharif P.S. In order to justify the impugned action, in the counter affidavit, at paragraphs 6 and 7, it is stated as follows:

“6. It is respectfully submitted that since the petitioner involved in a sensational murder case which ended in acquittal very recently on technical grounds, in view of the larger public interest only and that too to safeguard the residents of Pahadishareef Police Station limits, the respondent police are being continued the rowdy sheet against the petitioner herein.

7. It is respectfully submitted unless a close watch is being maintained against the unlawful activities of the petitioner herein, there is every chance that he may repeat the offences. I humbly submit that the intention of the petitioner in filing the present writ petition is to get the rowdy sheet is closed so that he can continue his unlawful activities. I humbly submit that except continuing the rowdy sheet as per the provision of A.P. Police Standing Order, this respondent never harassed the petitioner as alleged in the affidavit. I humbly submit that mere acquittal in criminal case does not entitle the petitioner to seek relief of closure of rowdy sheet. Keeping in view of the public interest, this respondent police is being continued the suspect sheet of the petitioner but not as alleged in the affidavit”.

5. It is evident from the above that the petitioner is acquitted and no case is pending against him. In view of the same, evidently the petitioner cannot be stated to fall in the category of habitual offender, which is essential for opening of rowdy sheet. In the circumstances, the basis for continuing rowdy sheet against the petitioner is wholly unjustified and the rowdy sheet is liable to be quashed and is accordingly quashed.

6. The writ petition is accordingly allowed. However, if the petitioner is found involving in unlawful activities, it is open for the respondent police to act in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 17.7.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.26856 of 2014

17.7.2015

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

PRADESH

W.P.No.26856 of 2014

Between:

Ch.Raju Goud

.. Petitioner

And

Government of Telangana, rep. by its
Secretary, Home Department,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 17.7.2015

SUBMITTED FOR APPROVAL

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

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| 1. | Whether the Reporters of Local Newspapers may be allowed to see the judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |