

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.39077 of 2013

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ORDER:

Heard.

The petitioner questions opening and maintaining of suspect sheet against him by specifically contending that he was involved only in one case and it is subject matter of S.C.No.20 of 2006 on the file of the VI Additional Sessions Judge (Fast Track Court), East Godavari District, Rajahmundry and the petitioner, who was A7 therein, was acquitted by judgment, dated 28-06-2007. The petitioner also states that he is not involved in any case since then and on account of suspect sheet maintained by the 2nd respondent against him from 2007 onwards, the petitioner is being continuously harassed and summoned to the police station causing inconvenience to his life and liberty.

The 2nd respondent has filed counter affidavit. Paragraphs 3 and 4 thereof, which are relevant, are extracted hereunder:-

“It is respectfully submitted that the petitioner has scant respect towards the law and was involved in a case in Cr.No.54 of 2005 registered for the offences under Sections 396 and 412 IPC registered on the file of Jaggampet Police Station. After full-fledged trial, the case was ended in acquittal in S.C.No.20 of 2006 on the file of the Hon'ble Court of VI Additional Sessions Judge, Rajahmundry (FTC), East Godavari District on 28-06-2007. As the petitioner was involved in the above sensational case, to curb and curtail his unlawful activities in the vicinity of Rajahmundry, after obtaining permission from the Sub-Divisional Police Officer, Rajahmundry, a suspect sheet has been opened on the rolls of I Town Police Station, Rajahmundry, East Godavari District, on 24-05-2006 and on the point of jurisdiction since the petitioner has been residing in the limits of

Korukonda Police Station, East Godavari District, the said suspect sheet was transferred to the Police of Korukonda in the year 2007. From 30-06-2007 onwards, the suspect sheet of the petitioner has been continuing on the rolls of Korukonda Police Station from time to time.

It is respectfully submitted that at present no cases are pending or registered against the petitioner herein on the file of Korukonda Police Station. However, as the petitioner involved in the above criminal case, due to fear of him, no one has come forward to the police station to lodge any complaint. It is humbly submitted that unless a close watch is being maintained against the unlawful activities of the petitioner herein, there is every chance that he may repeat the offence. At present no adverse remarks are found in the sheet of the petitioner.”

It is evident from the above that except in S.C.No.20 of 2006 referred to above, the petitioner is not found involved in any case. It is also stated that at present, no adverse remarks are found in the sheet of the petitioner. In view of that, therefore, the petitioner cannot be stated to be a habitual offender warranting continuation of suspect sheet against him.

Hence, the writ petition is allowed and the suspect sheet opened against the petitioner shall stand quashed. However, this order will not preclude the respondents from taking appropriate action against the petitioner, if he is found involved in any criminal case at any point of time in future. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-02-2015

Prv

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