

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

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WRIT PETITION No.26851 OF 2012

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Between:

M.B. Kishan Rao

.. Petitioner

And

The Superintendent of Police

Mahabubnagar, Mahbubnagar 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 Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

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.26851 of 2012

ORDER:

The grievance of the petitioner in this case was as to the rowdy sheet being maintained in his name on the file of leeja Police Station, Mahabubnagar District.

The Sub-Inspector of Police, leeja Police Station, Mahabubnagar District, filed a counter-affidavit stating that a rowdy sheet was opened in the name of the petitioner on the file of leeja Police Station in the year 1999. Reference in this regard was made to Crime Nos.83 of 1998, 18 of 1999 and 106 of 1999 registered against the petitioner. However, Crime Nos.83 of 1998 and 106 of 1999 ended in the acquittal of the petitioner long ago. Insofar as Crime No.18 of 1999 is concerned, the petitioner was stated to have been bound over for good behaviour on 29.12.1999. It appears that the petitioner was involved in two more crimes in the year 2001. Crime Nos.25 of 2001 and 35 of 2001 were registered under Section 110(e) Cr.P.C. and the petitioner was bound over for good behaviour.

Even according to the Sub-Inspector of Police, leeja Police Station, no crimes were registered against the petitioner after the year 2001. In spite of the same, it appears that the rowdy sheet now stands extended up to 31.12.2015. A feeble justification is sought to be offered for such continuance on the ground that the group led by the petitioner's brother was involved in Crime No.124 of 2015 and there is a possibility of retaliation by the rival group. It is not stated that the petitioner was in any way involved in this criminal activity himself. The Sub-Inspector of Police stated that except for opening a rowdy sheet in the name of the petitioner, the police authorities never harassed or threatened the petitioner or interfered with his life and liberty.

However, the very maintenance of a rowdy sheet is an invasion upon the rights of the petitioner. This aspect of the matter is often lost sight of by the police authorities who seem to treat maintenance of rowdy sheets as a matter of course. The loss of reputation caused to an individual by maintenance of a rowdy sheet in his name is completely ignored. It is for this reason that this Court has time and again held that the police authorities must be circumspect in opening and maintaining rowdy sheets so that the necessary balance is effected between their onerous burden of maintaining peace and law and order while at the same time respecting the individual rights of the citizens. Though Order No.602(1) of the A.P. Police Manual, Part-I, Volume-II, provides that even if a rowdy is not figuring as an accused in the previous five years after the last case in which he was involved, it would not preclude the police authorities from continuing a history sheet in his name if they are of the considered view that his activities are prejudicial to the maintenance of public order or peace and tranquillity in the area, there must necessarily be application of mind in this regard before the police authorities continue a rowdy sheet in the name of a person who is, for all purposes, living a peaceful life uninvolved in any criminal activity.

In the present case, going by the averments in the counter-affidavit, it is clear that the petitioner has not been involved in any criminal activity after 2001. Notwithstanding the same, the rowdy sheet opened in his name on the file of leeja Police Station is being extended from time to time as a matter of course. There is no indication in the counter-affidavit that the police authorities have applied their mind in terms of Order 602(1) of A.P. Police Manual and have come to a reasoned decision to continue the rowdy sheet in the name of the petitioner in the context thereof. That being so, the continuance of the rowdy sheet in the name of the petitioner on the file of leeja Police Station, Mahabubnagar District, is unwarranted on facts and is therefore unsustainable in law.

The writ petition is accordingly allowed directing the respondents to delete the name of the petitioner from the rowdy sheet recorded in Form-88 under Order No.742(1) dated 26.07.1999 or the later relevant Order, on the file of leeja Police Station, Mahabubnagar 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

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