

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.31240 of 2011

ORDER:

The grievance of the petitioner was with regard to the proceedings dated 26.10.2011 of the Assistant Commissioner of Police, Central Zone, Vijayawada City, whereby he directed the Inspector of Police, S.N.Puram Police Station to open a suspect sheet in the name of the petitioner and keep a close watch upon him.

Relying on the written instructions dated Nil.07.2015 received from the Assistant Commissioner of Police, Central Zone, Vijayawada City, the learned Assistant Government Pleader for Home informed this Court that the petitioner was involved in three cases. Crime No.256 of 2009 was registered against him under Section 324 I.P.C., on the file of S.N.Puram Police Station but it ended in a compromise on 09.11.2009 in C.C.No.1043 of 2009 on the file of the learned I Additional Chief Metropolitan Magistrate, Vijayawada. Crime No.545 of 2011 was registered against the petitioner under Sections 143, 323 and 506 I.P.C., on the file of the S.N.Puram Police Station and is presently pending trial before the learned I Additional Chief Metropolitan Magistrate's Court at Vijayawada, in C.C.No.269 of 2015. Crime No.363 of 2011 was registered against the petitioner under Sections 3 and 4 of the Andhra Pradesh Gaming Act, 1974, on the file of the Law and Order Suryaraopeta Police Station, Vijayawada City, and is presently pending trial in C.C.No.391 of 2012 before the learned

III Additional Chief Metropolitan Magistrate, Vijayawada. In view of the involvement of the petitioner in the aforesaid cases, it was stated that the impugned proceedings dated 26.10.2011 were issued according permission to open a rowdy sheet in his name as per Order 602 of the Andhra Pradesh Police Manual. The said rowdy sheet is stated to

have been extended up to 31.12.2015. The Assistant Commissioner further stated that it would be open to the petitioner to make an application before the competent authority for closure of the rowdy sheet and such request would be considered in accordance with law.

As this Court has time and again held that involvement in at least more than two cases is required for an inference to be drawn that a person is a habitual offender (**KAMMA BAPUJI V/s. STATION HOUSE OFFICER, BRAHMASAMUDRAM**^[1] and **PUTTAGUNTA PASI V/s. COMMISSIONER OF POLICE, VIJAYAWADA**^[2]), the very opening of the rowdy sheet in the present case in 2011 is open to question as the petitioner was involved in only two cases at that point of time. Crime No.256 of 2009 had already ended in compromise by that date.

The writ petition is accordingly disposed of permitting the petitioner to make an application before the competent authority seeking closure of the rowdy sheet. Thereupon, the competent authority shall consider such application in the light of the law laid down by this Court and the relevant police orders and take appropriate action in the matter.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:25.08.2015

GJ

^[1] 1997 (6) ALD 583

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