

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.7997 of 2012

ORDER:

The challenge in this writ petition was to the Memo dated 12.03.2012 issued by the Superintendent of Police, Kadapa District, instructing the Sub-Divisional Police Officer, Jammalamadugu, Kadapa District, to reopen the rowdy sheet against the petitioner owing to his involvement in many criminal cases in Tella Proddatur Police Station limits.

By order dated 28.03.2012, this Court opined that the impugned memo was issued basing on the representation made by third parties without any involvement of the petitioner in criminal activity after 09.01.2012 and accordingly granted interim suspension of the impugned memo.

The Sub-Divisional Police Officer, Jammalamadugu Division, Y.S.R. Kadapa District, filed a counter-affidavit setting out at length various criminal cases in which the petitioner was involved.

However, the details furnished in this regard demonstrate that the petitioner was not involved in any criminal case as on the date of issuance of the impugned Memo dated 12.03.2012. Most of the criminal cases against the petitioner up to that point of time had ended either in acquittal or in his being bound over. He was no doubt convicted in Crime No.17 of 2010 in C.C.No.401 of 1990 and the said conviction was confirmed in appeal but the punishment undergone by him in this regard is not forthcoming from the counter-affidavit. In effect, there were no cases pending against the petitioner as on 12.03.2012 whereby the Superintendent of Police could have overridden the proposal of the Sub Inspector of Police, Tella Proddatur Police Station which had been accepted by the Sub-Divisional Police Officer, Jammalamadugu, to close the rowdy sheet opened in the petitioner's name. The impugned memo therefore seems to have been passed without regard to the relevant Police Standing Orders and is accordingly set aside.

That being said, the counter-affidavit indicates that even after issuance of the impugned memo, the petitioner continued to be involved in criminal activity and several criminal cases were registered against him.

In that view of the matter, it is clarified that setting aside of the impugned Memo dated 12.03.2012 would not preclude the police authorities from applying their mind afresh in accordance with the relevant Standing Orders and taking a decision as to whether it would be necessary to open a rowdy sheet in the name of the petitioner.

Subject to the above liberty, the writ petition is allowed.

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

SANJAY KUMAR, J

Date:06.10.2015

GJ