

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENH DAY OF APRIL
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9157 of 2015

BETWEEN

Bogireddy Vijaya Bhaskar Reddy.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat,
Hyderabad and two others.

...RESPONDENTS

The Court made the following:

ORDER:

Heard.

2. Petitioner questions the rowdy sheet opened against him and its continuation by contending that he was implicated in two of the criminal cases, which ended in acquittal. During the pendency of the crimes though rowdy sheet was opened against him, the same is being continued notwithstanding the acquittal in the criminal cases.

Hence, the present writ petition is filed seeking quashing of the said rowdy sheet.

3. Respondent No.2 has filed a counter affidavit wherein it is accepted in paragraph 3 that Cr.No.36 of 2004, which was later tried as C.C.No.50 of 2004 by the Judicial First Magistrate of Class, Koilakuntla, Kurnool District, ended in acquittal of the petitioner as per judgment, dated 07.02.2006. Similarly, Cr.No.84 of 2010, which was later tried as C.C.No.166 of 2010 by the Judicial Magistrate of First Class, Koilakuntla, Kurnool District also ended in acquittal of the petitioner vide judgment dated 19.04.2011. Apart from the above two cases, Cr.No.17 of 2009 was disposed of as MC.No.6 of 2009 as the Mandal Executive Magistrate, Koilakuntla bound over the petitioner for his good behaviour on 04.02.2009 and another Cr.No.31 of 2014 also the petitioner was bound over by the Mandal Executive Magistrate, Koilakuntla, for his good behaviour on 14.03.2014 vide MC.No.10 of 2014. Counter affidavit, therefore, states that except to curtail the unlawful activities, in view of the involvement of the petitioner and to watch his activities, the rowdy sheet was opened and is being continued, no other coercive step is taken against the petitioner.

It is also stated that petitioner may approach by way of a representation to the authority concerned and the same may be considered.

4. Evidently, petitioner was acquitted in two criminal cases, referred to above and apart from two bind over cases, out of which one was in 2009, there is no averment in the counter affidavit that petitioner is found involved in any recent criminal offences after the acquittal in the year 2006 and 2011 respectively. In order to satisfy the ingredients of police standing order, the respondents must show that petitioner is a habitual offender. However, keeping in view the facts and circumstances, petitioner obviously does not satisfy the said ingredients and as such continuation of rowdy sheet against the petitioner is not justified and the same is accordingly quashed. However, this will not preclude the respondents from taking any appropriate action against the petitioner if and when he is found involved in criminal offence or case.

The writ petition is accordingly allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

April 16, 2015

LMV