

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.407 of 2012

ORDER:

The grievance of the petitioner was with regard to the opening of a rowdy sheet in his name on the file of Nampally Police Station, Hyderabad.

As the counter-affidavit filed by the police authorities dated back to the year 2012, the learned Assistant Government Pleader for Home was asked to file an affidavit reflecting the present state of affairs. Thereupon, the Inspector of Police, Nampally Police Station (Law and Order), Hyderabad, filed counter-affidavit dated 04.09.2015 wherein he set out the details of the various criminal cases in which the petitioner was involved. Admittedly, all the cases have concluded and no case is pending against the petitioner as on date. The Inspector of Police further stated that the rowdy sheet was opened in the name of the petitioner on 05.06.2006 on the file of Nampally Police Station and was renewed thereafter from time to time. Presently, it stands extended till 31.12.2015.

It is however relevant to note that at the time the rowdy sheet was opened against the petitioner in the year 2006, only two cases were registered against him, viz., Crime Nos.54 and 116 of 2006.

In the light of the law laid down by this Court in **KAMMA BAPUJI v. STATION HOUSE OFFICER, BRAHMASAMUDRAM**^[1] and **PUTTAGUNTA PASI v. COMMISSIONER OF POLICE, VIJAYAWADA**^[2], it is not open to the police authorities to draw an inference that a person is a habitual offender, unless he is involved in more than two criminal cases. This requirement was not satisfied in the present case. That apart, there is no indication of the petitioner being involved in any criminal activity now. The apprehension of the Inspector of Police that if the rowdy sheet opened in the name of the petitioner is closed, he would continue unlawful activities is utterly

misplaced. Merely because the rowdy sheet opened in the year 2006 is closed, it does not preclude the police authorities from applying their mind and opening a fresh rowdy sheet, if warranted, in accordance with law. Insofar as the rowdy sheet opened against the petitioner in the year 2006 is concerned, it was not in keeping with the law laid down by this Court and cannot therefore be continued.

The writ petition is accordingly disposed of directing the respondent authorities to close the rowdy sheet opened in the name of the petitioner on the file of Nampally Police Station, Hyderabad, in the year 2006. This however shall not preclude the police authorities from taking necessary steps in future, if warranted, in accordance with law.

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

SANJAY KUMAR, J

Date:15.09.2015

GJ

[\[1\]](#) 1997 (6) ALD 583

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