

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.31964 OF 2014

Date:22.01.2015

Between:

Mohd. Osman

.. Petitioner

And

The Commissioner of Police,
Hyderabad Commissionerate,
Basheerbagh, Hyderabad and others

.. Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.31964 OF 2014

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Home appearing for the respondents.

The petitioner questions opening and continuing rowdy sheet against him, *inter alia*, on the ground that he is not a habitual offender and is living with his family at Aman Nagar, Talabkatta, Hyderabad. He states that he has been falsely implicated by the Police in Bhavaninagar, and though various cases are registered against him, all of them ended in acquittal and hence continuation of rowdy sheet against him is only to harass him.

The 3rd respondent filed a counter affidavit stating that the petitioner was involved in as many as ten criminal cases registered between 2001 and 2013. It is accepted in the counter affidavit that in Crime No.59 of 2001 on the file of Bhavaninagar Police Station, the petitioner was acquitted on 08.05.2004 and rest of other cases, which are on the file of Bhavaninagar Police Station, were closed either on the ground of mistake of fact or compromise in Lok Adalat and except Crime No.105 of 2013 registered for the offence punishable under Section 353 I.P.C., which is the subject matter of C.C.No.425 of 2013 and the same is pending for trial, no other case is pending against him. However, a rowdy sheet is opened against the petitioner on 26.07.2013 and is being continued on the ground that the petitioner is indulging in unlawful activities, which took place in the vicinity of

Bhavanainagar. It is also stated that various crimes registered against the petitioner could not be further prosecuted and they were closed and he was acquitted, as nobody came forward to give evidence against him.

It is well settled that opening and continuing of rowdy sheet is based on the Police Standing Orders 601 and that the Police must satisfy that the accused is a habitual offender and indulged in illegal activities. In the facts of the present case, as is evident from paragraph No.3 of the counter affidavit, except C.C.No.425 of 2013 alleging offence under Section 353 I.P.C., no other case is pending against him and the earlier cases registered against him were between 2001 and 2013; most of them were of the year 2005; one case each in 2001, 2004, 2008, 2009 and 2013, admittedly, either ended in acquittal or mistake of fact or ended on compromise in Lok Adalat. Hence, continuation of rowdy sheet against the petitioner, as the facts stand at present, does not justify and, in my view, it cannot be sustained.

Hence, the Writ Petition is allowed. However, if and when the petitioner is found involved in unlawful criminal activities, the respondent Police are at liberty to take appropriate action in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V. AFZULPURKAR, J

22.01.2015

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