

THE HON'BLE SRI JUSTICE A.V. SESA SAI

-
WRIT PETITION No.2570 OF 2011

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ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails the action of the 2nd respondent in opening the rowdy sheet against the petitioner.

2. Heard Sri B.Vijaysen Reddy, learned counsel, appearing for the petitioner and learned Government Pleader for Home (TG), appearing for the respondents.

3. It is submitted by the learned counsel for the petitioner that the impugned action of opening of rowdy sheet against the petitioner herein and continuation of the same is highly illegal, arbitrary and opposed to the very spirit and object of Police Standing Orders 601 of A.P. Police Manual. It is further submitted that the petitioner herein does not fall under any one of the categories as mentioned under Police Standing Orders 601. It is further contended that the only case i.e., S.C.No.115 of 2008 arising out of Crime No.31 of 2006 on the file of Suryapet Town Police Station, wherein the petitioner was shown as accused, ended in acquittal on 13.03.2009.

4. A counter affidavit is filed by the 4th respondent – Sub-Inspector of Police, Suryapet Town PS, stating that the petitioner herein was involved in the above said crime i.e., Cr.No.31/2006 registered under Section 120(B) and Section 25 of Indian Arms Act on the file of Suryapet Town Police Station. It is also evident from the said counter that the said crime ended in acquittal vide S.C.No.115 of 2008 on 13.03.2009. It is also stated in the said counter that due to involvement of the petitioner in the above criminal case, to curb and curtail the unlawful activities, the Sub Divisional Police Officer opened

a charge sheet against the petitioner. It may be appropriate to refer to Paragraph No.4 of the said counter, which reads as under:

“It is further respectfully submitted that at present there are no cases registered on the file of Suryapet Town Police Station against the petitioner herein. I submit that there are oral complaints received from the public in Suryaraopet town police station about the unlawful activities of the petitioner herein but due to fear of the petitioner, no one has come forward to the police station and lodged any complaint against the petitioner’s unlawful activities. I submit that the petitioner is young and energetic. Unless, his unlawful movements are watched, there is every chance of that he may commit the same. I submit that in view of the public interest the rowdy sheet of the petitioner is being continued.”

5. There is absolutely no dispute with regard to the fact that the only case registered against the petitioner herein in the year 2006 ended in acquittal in S.C.No.115 of 2008 on 13.03.2009. Therefore, by any stretch of imagination, it cannot be stated that the petitioner herein falls under the category of habitual offender as stipulated under Police Standing Orders 601, which is an essential requirement for opening and continuing of rowdy sheet against a person. In the considered opinion of this Court, the reasons assigned by the 4th respondent in the counter for continuing the rowdy sheet against the petitioner herein cannot be sustained and the said action is highly illegal and arbitrary and the rowdy sheet opened against the petitioner herein is liable to be quashed.

6. For the aforesaid reasons, Writ Petition is allowed, quashing the rowdy sheet opened against the petitioner herein and however, it is open for the respondents herein to take appropriate action against the petitioner herein, in accordance with law, if the petitioner is found involved in any unlawful activity.

7. Miscellaneous petitions pending consideration, if any, in the Writ

Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

06.06.2016
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