

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 41228 of 2015

ORDER:

The amended prayer of the petitioner in this case is as under:

“For these and other reasons to be urged at the time of hearing of this writ petition, it is humbly prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in opening the Rowdy sheet vide HS.No.626/15 in Nagarampalem Police Station, Guntur, against the petitioner, as illegal and void.”

2. In the light of the amended prayer of this writ petition laying a challenge to the opening of a rowdy sheet in the name of the petitioner on the file of Nagarampalem Police Station, Guntur, the counter affidavit filed by the Sub-Divisional Police Officer, West Division Guntur, assumes significance. Therein, the Sub-Divisional Police Officer stated that the petitioner was involved in two cases, Crime No.69 of 2014 and Crime No.358 of 2015 under Section 110 Cr.P.C. In effect, only one case was registered against the petitioner at the time the rowdy sheet was opened in his name.

3. No doubt the said case is still pending trial, but in the light of the law laid down by this Court in **K. Suresh Babu v. Superintendent of Police, Anantapur Dist.**^[1] following the earlier decisions in **Kamma Bapuji v. Station House Officer, Brahmasamudram**^[2] and **Puttagunta Pasi v. Commissioner of Police, Vijayawada**^[3], it is not open to the police authorities to infer that a particular person is a habitual offender unless he is

involved in at least more than two cases. That being so, the very opening of the rowdy sheet in the name of the petitioner on the file of Nagarapalem Police Station, Guntur, is illegal and unsustainable.

The writ petition is accordingly allowed. The respondent police authorities shall forthwith close the said rowdy sheet. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 20, 2016
Lmv

[\[1\]](#) 2015 (6) ALT 556

[\[2\]](#) 1997 (6) ALD 583

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