

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.35042 OF 2015

ORDER

The grievance of the petitioner is as to the maintenance of a rowdy sheet in his name on the file of the III Town Police Station, Kurnool.

Having received written instructions dated 27.01.2016 as to the present status, the learned Assistant Government Pleader for Home informed this Court that it was decided to continue the rowdy sheet in the name of the petitioner in the review undertaken in December, 2015 as the petitioner was involved in two crimes, namely, Crime No.174/2014 under Sections 365, 342, 232 and 506 IPC read with Section 34 IPC on the file of Kadapa Taluq Police Station and Crime No.119/2015 under Sections 120B, 148, 302 and 109 IPC read with Section 149 IPC on the file of Kurnool III Town Police Station.

It is however an admitted fact that at the time the rowdy sheet was opened in the name of the petitioner, there was only one crime registered against him. Further, the counter-affidavit filed by the Sub-Divisional Police Officer, Kurnool Sub-Division, Kurnool District, reflects that the petitioner was acquitted in Crime No.174/14 on 26.03.2015. Thus, as matters stand, he is involved only in one criminal case.

In the light of the law laid down by this Court in **KAMMA BAPUJI V/s. STATION HOUSE OFFICER, BRAHMASAMUDRAM^[1]** and **PUTTAGUNTA PASI V/s. COMMISSIONER OF POLICE, VIJAYAWADA^[2]**, it is not open to the police authorities to open or maintain a rowdy sheet against a person unless he is involved in two or more criminal cases. This is because such action is warranted only against a habitual offender and no such inference can be drawn unless a person is involved in multiple cases.

For the aforesaid reasons, this Court finds that maintenance of a rowdy sheet in name of the petitioner is not legally sustainable. The writ

petition is accordingly allowed. The police authorities shall take steps forthwith to close the rowdy sheet opened in the name of the petitioner on the file of III Town Police Station, Kurnool.

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

SANJAY KUMAR, J

28th JANUARY, 2016

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

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