

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10137 of 2016

ORDER:

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

“That this Hon’ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in issuing the order in C .No.661/ 3/ACP.CZ/ 2011, dated 31.3.2011 and further action of the 4th respondent in opening and continuing the suspect sheet vide C.No.661/3/ACP.CZ/11 against the petitioner as illegal, contrary to law and violation of Articles 14 and 21 of the Constitution of India and consequently set-aside the same and pass such other order or orders as this Hon’ble Court may deem fit and proper.”

The Assistant Commissioner of Police, Central Zone, Vijayawada City, filed a counter-affidavit adverting to the cases in which the petitioner was involved earlier – Crime No.506 of 2008, Crime No.693 of 2009 and Crime No.37 of 2011. He however conceded that two of the afore-stated cases ended in acquittal while the third was compromised. The counter-affidavit further demonstrates that as of now no case is registered against the petitioner.

In that view of the matter, there is no basis for continuing the suspect sheet in the name of the petitioner. All the more so, as all the cases against the petitioner seem to have ended long ago.

The writ petition is accordingly allowed directing the respondent police authorities to close the suspect sheet opened and being maintained in the name of the petitioner. This order shall however not preclude the authorities from initiating action afresh in this regard against the petitioner in accordance with law, if warranted.

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

JUSTICE SANJAY KUMAR

26th April, 2016
PGS/GJ