

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.NO.29762 OF 2013

ORDER

Heard Mr. P.Ravi Kiran for petitioner and the Assistant Government Pleader for Home for respondents.

The petitioner challenges the opening and continuation of Dossier Criminal Sheet on the file of VI Town Police Station, Krishnalanka, Vijayawada, as illegal, arbitrary and unconstitutional.

As directed by this court, the Assistant Government Pleader filed the written instructions dated 13.11.2013, furnished by 3rd respondent. The same are as under:

“The petitioner herein – Pothuraju Bolalgani Joseph was involved in the following criminal cases:

- i. Cr.No.225/1976 U/s 379 (2) IPC on the file of Ongole Tutsl P.S. Prakasam District. The case ended in conviction on 11.08.1976 vide C.C.No.196/1976 before the Hon'ble JFCM Court, Ongole.
- ii. Cr.No.127/1992 U/s. 384 and 395 IPC on the file of Renigunta P.S. Nellore District.
- iii. Cr.No.82/1992 U/s 395 IPC on the file of Yerpadu P.S. The case ended in acquittal on 6.6.1997 vide C.C.No.37/1992 before the Hon'ble Assistant Sessions Judge Court.
- iv. Cr.No.63/1992 U/s 307, 324, 332 IPC of Ojilli P.S. The case ended in acquittal on 3.4.2001 vide PRC.No.3/1993 before the Hon'ble JFCM Court, Nellore.
- v. Cr.No.11/1997 U/s. 110 Cr.P.C. of Kavali II town P.S the Hon'ble Mandal executive Magistrate, Kavali bound over the petitioner for his good behavior vide M.C.No.3/1997.
- vi. Cr.No.113/2001 U/s 392 IPC the case ended in acquittal on 26.4.2007 vide C.C.No.142/2007 before the Hon'ble JFCM Court, Nandigama, Krishna District.
- vii. Cr.No.92/2012 U/s 41(2) Cr.P.C. of Renigunta P.S. Chittoor District. The Hon'ble Mandal Executive Magistrate, Renigunta bound over the petitioner for his good behaviour vide M.C.No.64/2002 on 6.9.2002.

- viii. Cr.No.20/2008 U/s. 420 IPC of Krishnalanka P.S. Krishna District. The case is under trial vide c.C.No.465/2006 before the Hon'ble 2nd Assistant Chief Metropolitan Magistrate, Vijayawada.
- ix. Cr.No.322/2005 U/s 420 r/w 34 IPC of Krishnalanka P.S. Krishna District. The case ended in acquittal on 29.8.2011 vide C.C.No.1328/2009 before the Hon'ble IV Asst. Chief Metropolitan Magistrate, Vijayawada.

It is submitted that, as per the orders of the Superintendent of Police, Chittoor District the Dossier Criminal sheet (D.C. sheet) has been opened against the petitioner herein vide C.No.28/DC/DCB/CTR/1993 dated 1.3.1993 on the file of SHO Renigunta, Chittoor District.

It is submitted that the Superintendent of Police, Chittoor District vide C.No.45/DC-DCRB-CTR/2002 dated 24.09.2002 has stated that the petitioner herein residing at Tharkaramanagar, Krishnalanka, Vijayawada and requested the Commissioner of Police, Vijayawada to continue the D.C. Sheet.

Pursuant to the police of the Suptd., of Police, Chittoor District, the Commissioner of Police, Vijayawada vide C.c.No.35/DC-CCRB/VC/2002 dated 30.10.2002 ordered to maintain the D.C. Sheet of the petitioner herein on the file of SHO VI Town P.S. Krishna Lanka, Vijayawada. It is submitted that, the DC sheet is continued on the point of jurisdiction.

It is further submitted that since 15.7.2011 the DC Sheeter was on regular surprise check, he was found absent till today, even though we have issued O.V. card. Since then we have been trying to trace out the DC sheeter-petitioner herein, but whereabouts not known.

If the petitioner herein traced, the DC sheet will be transferred to the concerned police station.”

Mr. P.Ravi Kiran confines his prayer to give liberty to petitioner to represent to 1st respondent in the light of the principles laid down by this Court in **Sunkara Satyanarayana v. State of Andhra Pradesh**¹ and **Mohammed Quadeer and Others v. Commissioner Of Police**² and direct the 1st respondent to consider all the circumstances that are stated in the representation for considering retention of Dossier Criminal Sheet. The statement is placed on record and accepted.

The writ petition is disposed of by this order:

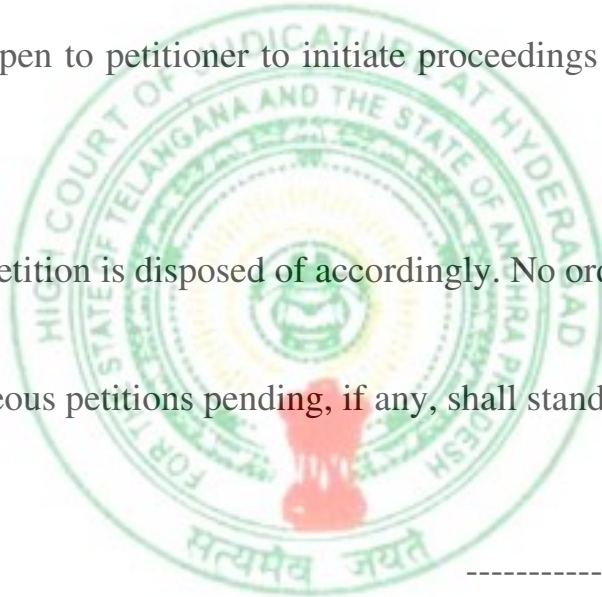
¹ 1999(6) ALT 249

² 1999(3) ALD 60

The petitioner is given liberty to represent to 1st and 2nd respondents with all material and full details on the desirability of continuing the Dossier Criminal Sheet within four weeks from today by enclosing a copy of this order. The 1st and 2nd respondents within four weeks from the date of receipt of representation are directed to examine the representation in the light of the principles laid down by this Court in **Sunkara Satyanarayana v. State of Andhra Pradesh** (1 supra) and **Mohammed Quadeer and Others v. Commissioner Of Police** (2 supra) and take a final decision on the desirability of ordering retention of dossier criminal sheet or otherwise. If the petitioner is aggrieved with the final decision of the 1st respondent, this Court leaves it open to petitioner to initiate proceedings in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT,J

Date:27.04.2017
AVS