

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 34035 of 2014

Order:

This Writ Petition was filed challenging the continuance of rowdy sheet against the petitioner contrary to the Police Standing Orders.

The petitioner states that he was shown as accused in Crime No.369 of 2006, which was registered under Section 302 IPC and other provisions of IPC, which is pending trial. Though he was shown as accused in other cases, he was acquitted in all the cases and the case in Crime No.369 of 2006 is concerned the same was stayed by this Court in Criminal Petition No.16417 of 2014. He further states that without having due regard to the Police Standing Orders, the rowdy sheet which was opened in the year 2009 is being continued till today. He also submits that his passport was seized by the police without any authority of law and the seized passport also expired. He is not in a position to apply for renewal of passport. Though he submitted a representation to the Commissioner of Police on 05.09.2014 for deleting his name from the rowdy sheet no action was taken till today.

A counter affidavit is filed by the fourth respondent stating that the petitioner was involved in twelve cases, but only in respect of two cases trial is pending. In respect of four cases he was bound over in 2013, 2014, 2015 and 2016 by Narayanaguda Police. In order to curb the unlawful activities of the petitioner in the vicinity of Panjagutta Police Station limits, a rowdy sheet was opened by the then Assistant Commissioner of Police, Panjagutta Division. Since the petitioner was residing in the limits of Narayanaguda Police Station, the said rowdy sheet was transferred to Narayanaguda Police Station, Hyderabad City and it is

being continued from time to time. It is also stated that except the above cases, no fresh cases are registered or pending against the petitioner. The pending cases arose out of the family disputes. A close watch is being maintained against the petitioner.

Learned counsel for the petitioner submits that in view of the authoritative pronouncement of this Court in *Beerjepally Venkatesh Babu v. State of A.P.*, rep. by its Commissioner of Police¹ and in other cases and in view of the provisions of the Police Standing Orders the rowdy sheet against the petitioner should not be continued and there is no whisper in the counter affidavit filed by the fourth respondent with regard to application of mind by the concerned officer with regard to continuance of rowdy sheet when the matter ought to have been reviewed yearly.

The record in the present case shows that the petitioner already submitted a representation on 05.09.2014 and the same was acknowledged by the second respondent on the same day as could be seen from the stamp of inward section. After 2014 the petitioner was bound over in three cases and it is for the concerned authority, third respondent to review the situation and pass appropriate orders in accordance with law.

In the circumstances, the petitioner is permitted to submit another representation to the third respondent for reviewing the case of the petitioner within a period of fifteen (15) days from the date of receipt of a copy of this order and, on receipt of such representation, the third respondent shall review the case of the petitioner and pass appropriate orders in accordance with law within a period of two (2) months

¹ 2014 (3) ALT 264

thereafter. It is needless to observe that if there is no order of the Court, the passport seized by the police shall be released to the petitioner along with the order to be passed by the third respondent.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALI NGESWARA RAO, J

Date: 07.02.2017
Nsr

