

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.42427 OF 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus declaring the action of the respondents in opening Rowdy Sheet bearing No.442 of 2005 against the petitioner and not deleting the name of the petitioner in the Rowdy Sheet as illegal and arbitrary and consequently direct the respondents to close the Rowdy Sheet bearing No.442 of 2005 against the petitioner.

2. The averments of the affidavit filed in support of the writ petition are as follows:

The petitioner is a permanent resident of Yemmiganur, Kurnool District. He was an accused in C.C.Nos.1 of 2005 and 2 of 2005 on the file of the Judicial Magistrate of I Class, Yemmiganur. The said cases were compromised and Lok Adaklat passed an award, dated 21-06-2008 and 15-11-2008 respectively. He was also an accused in Sessions Case No.92 of 2005 on the file of the Assistant Sessions Judge, Adoni. He was convicted in above Sessions Case, vide judgment, dated 14-10-2008. Aggrieved by the said conviction, he preferred an appeal before the II additional Sessions Judge, Kurnool at Adoni, vide CrI.A.No.41 of 2008 and the same was allowed in part directing him to pay a fine of Rs.5000/- only, vide judgment, dated 05-02-2010. However, the 4th respondent opened Rowdy Sheet in the year 2005 on the ground that he involved in three cases and when the Rowdy Sheet is continued from time to time contrary to the Police Standing Orders, the present writ petition is filed.

3. The 3rd respondent filed counter-affidavit stating that the petitioner involved in three cases and two cases were compromised and in one case, he was asked to pay a fine of Rs.5,000/-. In view of involvement of the petitioner in the above

cases, Rowdy Sheet was opened against the petitioner, vide orders, dated 22-01-2005. It is further stated that the petitioner did not mend his ways and moving in the locality suspiciously to commit the crimes once again. On 31-12-2016, the case of the petitioner would be reviewed and a decision will be taken for continuing or otherwise of the Rowdy Sheet against the petitioner. But the petitioner is not being harassed in view of continuance of Rowdy Sheet.

4. The said counter-affidavit was filed on 12-12-2016 and it is not known about the decision taken at the review held on 31-12-2016.

5. In the circumstances, the 3rd respondent is directed to consider the case of the petitioner for closing the Rowdy Sheet and pass appropriate orders in that regard keeping in view of the decisions of this Court and the Police Standing Orders, within a period of 30 days from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 08-02-2017

Hsd