

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 41731 of 2016

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner states that he passed 10th Class in First Division by securing 71% of marks and eking out his livelihood by doing private job. While so, Crime No.526 of 2003, dated 08.10.2003, was registered against him in the Law and Order Police Station, Krishnalanka, Vijayawada City, Krishna district, under Sections 363 and 307 IPC. He was arrayed as accused No.2 in the said crime. A rowdy sheet was opened by proceedings of the Assistant Commissioner of Police, fourth respondent dated 05.11.2003. Challenging the opening of rowdy sheet, the petitioner filed W.P. No.24680 of 2003 and this Court, by order dated 10.02.2004, allowed the said Writ Petition holding that no rowdy sheet can be opened when only one crime was registered against the petitioner. However, in the said crime also he was acquitted on 18.09.2006. Another Crime No.52 of 2009 dated 27.02.2009 was registered against the petitioner, wherein he was arrayed as accused No.4 along with three others. The said case was tried and subsequently was closed by imposing fine on the petitioner for an amount of Rs.1,500/-. Yet another case was registered against the petitioner in Crime No.734 of 2011 and he was convicted by the VIII Additional District and Sessions Judge, Vijayawada. Against the said conviction, he filed Criminal Appeal No.1059 of 2015 and the sentence was suspended by this Court. Thereafter, proceedings were issued on 28.12.2011 recommending of opening a rowdy sheet and accordingly

rowdy sheet was opened and when it is being continued, the present Writ Petition was filed.

A counter affidavit is filed on behalf of the respondents by the fourth respondent stating that the petitioner was involved in three cases, out of which he was acquitted in one crime and in respect of another crime he was asked to pay a fine of Rs.1500/-. In Crime No.734 of 2011 he was convicted. The same is under appeal before this Court. The rowdy sheet was opened on the file of the Station House Officer, Patamata Police Station, Vijayawada, Krishna District, as per the orders of the Assistant Commissioner of Police dated 28.12.2011 and the same was subsequently transferred to the Station House Officer, Suryaraopet Police Station, Vijayawada City. The rowdy sheet is being continued in order to curb and curtail the unlawful activities of the petitioner.

Now, it is clear from the above averments that there are no cases pending against the petitioner as on today, except in a case where he was convicted which is under appeal before this Court. The rowdy sheet appears to have been continued without having regard to the provisions of the Police Standing Orders and the decisions rendered by this Court from time to time in respect of continuance of rowdy sheet.

In the circumstances, the third respondent is directed to review the case of the petitioner and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.

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. RAMALINGESWARA RAO, J

Date: 07.02.2017
Nsr

