

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 45962 of 2016

Order:

The petitioner states that he is working as a sub-contractor in Kurnool and executing the works sanctioned to the contractors by the A.P. Medical Services Infrastructure Development Corporation, Kurnool. He further states that on 15.02.2016 he submitted an application under Right to Information Act to the Executive Engineer to furnish the details of construction cost, bills sanctioned and check measurements with regard to construction of A & B Block of MCH building in Government General Hospital, Kurnool. The information was not furnished to him. He preferred an appeal to the A.P. Information Commission and the same is pending. It appears that a complaint was lodged against him by the fifth respondent which was registered as Crime No.188 of 2016 dated 07.05.2016. It was alleged in the complaint that he went to the office of the complainant and quarreled with him for return of the deposit amount and also threatened the officers. He states that the said complaint is false. He further states that the third respondent submitted a report to the second respondent against him and the second respondent permitted opening of rowdy sheet on the basis of the said complaint. Challenging the opening of rowdy sheet, the present Writ Petition was filed.

A counter affidavit is filed on behalf of the respondents by the second respondent stating that the petitioner is an unlawful character in the locality and has been continuously indulging in the commission of lawless acts involving breach of public peace and tranquility. As on today he was involved in Crime No.188 of 2016 dated 07.05.2016, registered under Sections 448, 342, 332, 323 and 307 IPC, basing on the complaint

of the fifth respondent and a charge sheet was also filed on 21.06.2016. He was also involved in another Crime No.327 of 2016 dated 10.08.2016 registered under Sections 506 and 507 IPC and the same is pending investigation. In view of the involvement of the petitioner in rowdy activities, a rowdy sheet was opened against him in the III Town Police Station of Kurnool. The rowdy sheet was opened on the basis of the orders issued by the second respondent on 02.06.2016.

As could be seen from the above, when the rowdy sheet was opened, the petitioner was involved in only one crime. This Court time and again has been holding that a rowdy sheet cannot be opened on the basis of pendency of a lone case. The case which was subsequently registered was under Sections 506 and 507 IPC. In the circumstances, the second respondent should have taken the facts into consideration and should have passed the orders strictly in accordance with the Police Standing Orders. It appears that the second respondent has not done so.

In the circumstances, the Writ Petition is disposed of giving liberty to the petitioner to submit a representation to the second respondent to review the decision on pending a rowdy sheet against the petitioner and, on receipt of such representation, the second respondent shall apply his mind to the facts of the case, A.P. Police Standing Orders and pass appropriate orders in accordance with law within a period of two (2) months from the date of receipt of a representation from the petitioner. 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: 06.02.2017
Nsr