

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.4697 OF 2012

ORDER:

Heard Mr.P.Sudhakara Reddy for petitioner and the Assistant Government Pleader (Home) for respondents.

The petitioner challenges the opening and continuation of Rowdy Sheet No.8 by 4th respondent as illegal, arbitrary and unconstitutional.

As directed by this Court, the 4th respondent has placed before the Court for inspection the original record in Rowdy Sheet No.8.

According to respondents, the petitioner is involved in the following crimes:

- 1.Vempalli PS Cr.No.12/90 u/s 147,148,302 r/w 149 IPC (case ended in acquittal vide SC No.302/91 on 27.07.92 in the court of PDJ, Kadapa dist)
- 2.Vempalli PS Cr.No.19/2009 u/s 107 Cr.P.C. (the Hon'ble Mandal Executive Magistrate, Vempalli has bound over the petitioner for keeping good behaviour for a period of 6 months vide MC No.8/2009 dated 4.3.2009)
- 3.Vempalli PS Cr.No.19/2011 u/s 107 Cr.P.C. (the Hon'ble Mandal Executive Magistrate, Vempalli has bound over the petitioner for keeping good behaviour for a period of 6 months vide MC No.6/2011 dated 7.03.2011)
- 4.Vempalli PS. Cr No.53/11 u/s 5 of E.S. Act (case was referred as UI)
- 5.Vempalli PS. Cr.No.137/11 u/s.147, 148, 114, 186, 188, 353, 341, 290, 342, 427, 506 r/w 149 IPC & 7(1) Criminal Amendment Act 1932 & Sec 3 of PDPP Act 1984(case is under investigation).

Mr.P.Sudhakara Reddy confines his prayer to give liberty to petitioner to represent to 3rd respondent in the light of the principles laid down by this Court in Sunkara Satyanarayana v. State of

Andhra Pradesh¹ and Mohammed Quadeer and Others v. Commissioner of Police² and direct the 3rd respondent to consider all the circumstances that are stated in the representation for considering retention of rowdy sheet. The statement is placed on record and accepted.

The writ petition is disposed of by this order:

The petitioner is given liberty to represent to 3rd and 4th respondents with all material and full details for the desirability of continuing the rowdy sheet within four weeks from today by enclosing a copy of this order. The 3rd and the 4th 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 rowdy sheet or otherwise. If the petitioner is aggrieved with the final decision of the 3rd 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:16.03.2017
Sp

¹ 1999 (6) ALT249

² 1999 (3) ALD 60