

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.7532 of 2013

ORDER:

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in opening of a rowdy sheet against the petitioner, as illegal and arbitrary.

2. The grievance of the petitioner is that as per the police standing order 601, the case of the petitioner does not fall under the definition of "Rowdy" and without verifying the facts, a rowdy sheet came to be opened against him. Hence, he is constrained to file the present Writ Petition.

3. As seen from the record, the petitioner is said to have been implicated as an accused in Crime No.181 of 2003 of Hussainialam Police Station, registered for the offences punishable under Sections 384 and 323 read with Section 34 of IPC. After investigation, police filed a charge sheet, which was taken on file as C.C.No.1467 of 2006 before the Chief Metropolitan Magistrate, Hyderabad, which ended in acquittal vide judgment dated 21.03.2011. The averments in the counter affidavit would show that the petitioner is involved in other two crimes viz. Crime No.181 of 2003 of Hussainialam Police Station, registered for the offences punishable under Sections 384, 323 read with Section 34 of IPC, which ended in acquittal on 21.03.2011 and Crime No.39 of 2005 of Hussainailam Police Station, registered for the offences punishable under Sections 420, 324 read with Section 34 of IPC and Section 7 of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, which ended in compromise before the Lok Adalat on 09.09.2007. The additional counter affidavit filed by the third respondent, would disclose

that in the year 2013, a case in Crime No.151 of 2013 of Charminar Police Station came to be registered for the offences punishable under Sections 147, 148, 452, 307, 506 read with Section 149 of IPC. It is now stated that in crime No.151 of 2013, the police filed a charge sheet and is pending trial.

3. From the above, it is clear that none of the cases, registered against the petitioner, ended in a conviction. Further, Police Standing Order 601 deals with classification of the persons as rowdies and also as to when a rowdy sheet can be opened. The same which reads as under:

“Rowdies 601 :

The following persons may be classified as rowdies and Rowdy Sheets (from 80) may be opened for them under the orders of the SP/ DCP and ACP/ SDPO.

A. Persons who habitually commit, attempt to commit or abet the commission of, offence involving a breach of the peace, disturbance to public order and security.

B. Persons bound over under [Sections 106, 107, 108](#) (1) (i) and 110 (e) and (g) of [Cr.P.C.](#)

c. Persons who have been convicted more than once in two consecutive years under sections 59 and 70 of the Hyderabad City Police Act or under [Section 3](#), Clause 12, of the a.P. Towns Nuisances Act.

D. Persons who habitually tease woman and girls and pass indecent remarks.

E. Rowdy Sheets for the rowdies residing in one Police Station area but found frequenting the other PSs area, can be maintained at all such Police Stations.

F. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents.

G. Persons who incite and instigate communal/ caste or political riots.

H. Persons detained under the AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1966 for a period of 6 months or more.

I. Persons who are convicted for offences under the Representatives of the Peoples Act for rigging and carrying away ballot papers, Boxes and other polling material. “

4. Admittedly, in the instant case, the petitioner is not convicted in any of the crimes, which are said to have been registered against him. Since the cases which were registered against the petitioner ended in acquittal and one case which is registered after opening of the rowdy sheet is pending trial. Hence, this Court is of the view that continuing rowdy/ suspect sheet against the petitioner is in violation of the A.P. Police Manual Standing Orders and is liable to be quashed. However, it is left open to the respondents-police to open new rowdy sheet, if required, basing on the material available on record, by following due process of law.

5. Accordingly, the Writ Petition is allowed. No costs. Miscellaneous Petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt:27.07.2017
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