

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.4232 OF 2013

ORDER:

Heard counsel for petitioner and the Assistant Government Pleader (Home).

The petitioner is a practising Advocate at Palamaner, has filed the instant writ petition complaining substantially against the rowdy sheet opened against the petitioner and/or in spite of suspension granted by this Court in WPMP No.1695 of 2008 in W.P. No.1420 of 2008, filing counter affidavit and still continuing to show the petitioner as rowdy sheeteer, as illegal and unconstitutional.

The counsel for petitioner placed on record the order in W.P. No.1420 of 2008 dated 26.08.2014 and the operative portion of the order reads thus:

“ A perusal of the various crimes registered against the petitioner would show that all the crimes were registered during the tenure of the then Sub-Divisional Police Officer against whom the allegations were made by the petitioner in the writ petition. The rowdy-sheet was also opened after obtaining permission from the said Sub-Divisional Police Officer only. The petitioner is a practicing Advocate and in discharge of his professional duties, he filed a private complaint on 31.12.2001 on behalf of his client S.Mahaboob Basha for his illegal confinement by the then Sub-Inspector of Police, Palamaner. It appears that no review for closure of the rowdy-sheet was made by the 1st respondent at any point of time. As on today, only one case is pending trial in C.C.No.302 of 2007 before the Judicial First Class Magistrate Court, Palamaner.

In the facts and circumstances, it cannot be said that the petitioner is a habitual offender requiring opening of the rowdy-sheet to curb and curtail his unlawful activities.

The petitioner is a practising Advocate discharging his professional duties and no crime was registered after the transfer of the then Sub-Divisional Police Officer. Hence, the 1st respondent is directed to pass necessary orders for closure of the rowdy-sheet opened against the petitioner on 16.08.2002 forthwith.”

From the above, it is clear that substantive prayer of either opening the rowdy sheet or continuing the petitioner as rowdy sheet is already decided by this Court. The expression, if any used in the counter affidavit, cannot independently stand in view of the order dated 26.08.2014.

This Court is of the view that no further order in the present writ petition is required. The writ petition is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 28.11.2017
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