

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.32286 OF 2011

ORDER:

The case of the petitioner is that he was a resident of Chittoor Town hailing from respectable family doing jaggery business and he was falsely implicated in criminal case due to politics and the same ended in acquittal. Thereafter, the petitioner was also implicated in several false cases due to political rivalry. Basing on the same, Police Chittoor I town and II Town opened Rowdy sheets against the petitioner in the year 1992 and the petitioner was acquitted in all the cases after full fledged trial by the end of 1994. Thereafter, after change in Government, no further cases were booked against the petitioner, but rowdy sheets were continued. As such, the petitioner filed W.P.No.7760 of 2005 before this Court challenging the continuation of rowdy sheets against him. It is stated in the counter filed in the said writ petition that rowdy sheets opened against the petitioner subsisted till 31-12-2005. By considering the same, the writ petition was disposed of by order dated 05-10-2005 directing the authorities to review his case afresh and to pass appropriate orders. Accordingly, the rowdy sheets opened against the petitioner were

removed. Even after that, there were threats to the petitioner to book false cases and unable to bear the harassment, the petitioner shifted his business and family to Bangalore. Since the petitioner is having some properties in Chittoor, he used to come once in a while and inspite of the same, Chittoor I Town police booked a case in Cr.No.141 of 2007 against the petitioner and numbered as S.C.No.61 of 2010 was and tried by Principal Assistant Sessions Judge, Chittoor under Sections 448, 427, 353, 354, 384 IPC. After full fledged trial, all the accused were found not guilty and were acquitted by judgment dated 31-08-2010. Meanwhile, rowdy sheet was opened against the petitioner with No.73 in the year 2007 basing on the Crime No.141 of 2007 and it is stated as on today, no cases are pending against the petitioner. As such, continuation of rowdy sheet No.73 by the I Town Police Station, Chittoor is illegal under Articles 14, 19(i) and 21 of Constitution of India and seeks a direction to the respondents to remove the name of the petitioner from the list of rowdy sheet.

Counter affidavit is filed by the 2nd respondent stating that the petitioner is involved in the following criminal cases.

- i) Cr.No.141 of 2007 under Sections 448, 382, 354, 427, 453 IPC of Chittoor I Town Police Station, Chittoor and the said case ended in acquittal on 31-08-2010 on the file of Principal Assistant Sessions Judge, Chittoor District in S.C.No.61 of 2010.
- ii) Cr.No.102 of 1989 under Sections 147, 148, 307 IPC of Chittoor I Town Police Station, Chittoor and said case ended in acquittal.
- iii) Cr.No.172 of 1990 under Sections 448, 324, 427 IPC read with 34 IPC of Chittoor I Town Police Station, Chittoor and the case ended in acquittal.
- iv) Cr.No.149 of 1992 under Sections 147, 148, 323, 341, 506 IPC read with Section 149 IPC of Chittoor I Town Police Station, Chittoor and the said case was ended in acquittal.
- v) Cr.No.202 of 1992 under Sections 448, 323, 506, 384, 307 IPC read with Section 7 (1) of Criminal Amendment Act of Chittoor I Town Police Station, Chittoor and the said case ended in acquittal.
- vi) Cr.No.13 of 1996 under Sections 147, 148, 353, 506, 324 read with 149 IPC and Section 7(1) of Criminal Amendment Act of Chittoor I Town Police Station, Chittoor and the said case ended in acquittal.
- vii) Cr.No.31 of 1996 under Sections 323, 506 IPC and Section 7(1) of Criminal Amendment Act of Chittoor I Town Police Station, Chittoor and the said case ended in acquittal.
- viii) Cr.No.77 of 1998 under Section 107 IPC of Chittoor I Town Police Station, Chittoor and Mandal

Executive Magistrate has bound over the petitioner on 31-01-1998.

It is stated that except maintaining rowdy sheet against the petitioner, the respondents never harassed, threatened and interfered with the life and liberty of petitioner by calling him to the police station at any point of time.

Learned counsel for the petitioner submits that there is no criminal case pending as on today against the petitioner, as such continuation of rowdy sheet against him is illegal and arbitrary and violation of fundamental rights guaranteed under Article 19(i) and 21 of Constitution of India. He submits that all the crimes registered till 1998 ended in acquittal and basing on the directions passed by this Court in earlier writ petition rowdy sheet against the petitioner was removed, since all the cases against the petitioner ended in acquittal. Now, only basing on the Cr.No.141 of 2007, again the respondent opened rowdy sheet No.73 against the petitioner and continued even when the petitioner was acquitted in the said case. In support of his contention, learned counsel relied on the judgment of **M.Malla Reddy v. The State of Telangana**¹.

¹ Laws (APH) 2015 7 30

On the other hand, learned Government Pleader for Home submits that rowdy sheet earlier opened against the petitioner was closed. Though the petitioner was acquitted in all the crimes, again he involved in Cr.No.141 of 2007, as such, rowdy sheet was opened again. He also submits that the petitioner has not changed his attitude and he is in the habit of involving in several cases. By continuation of rowdy sheet, if at all the petitioner has any grievance, he can file representation before the authorities and the authorities will consider the same.

The fact that the petitioner was involved in several cases is not in dispute. But in all the cases, the petitioner was acquitted. Even according to the counter filed by the 2nd respondent, the written instructions produced by learned Government Pleader for Home dated 05-06-2017, it is stated that the petitioner was involved in Cr.No.117 of 2012 under Sections 3 and 4 of A.P.Gaming Act and the said case ended in conviction vide STC.No.102 of 2012 on the file of I Judicial Magistrate of II Class, Chittoor. In other crimes registered in Cr.Nos 6 of 2015 and 123 of 2016 also, the cases ended in acquittal.

In view of above circumstances, as on today no cases are pending even according to the respondents, except stating that the petitioner is convicted in Cr.No.117 of 2012, which is registered as S.T.C.No.102 of 2012. Learned counsel for the petitioner disputed that petitioner is involved in Cr.No.117 of 2012 and disputed the conviction of petitioner in STC.102 of 2012. Learned Government Pleader for Home produced a copy of order dated 25-11-2016 in W.P.No.40948 of 2016 passed by this Court, wherein the petitioner was directed to make representation in similar circumstances to close the rowdy sheet.

In view of above, it is open for the petitioner to make application stating above facts to the Sub-Divisional Police Officer, who is the competent authority to open rowdy sheets and said authority is directed to consider the representation of the petitioner by taking above facts into account and if the petitioner is not involved in any case as on today, he shall pass orders as when the petitioner makes application. The above exercise shall be done within a period of two months from the date of receipt of application.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

04-07-2017
Nvl



