

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.4518 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (TG) appearing for the respondents.

2. In the present writ petition, challenge is to the opening and continuation of rowdy sheet against the petitioner herein on the file of Narayanaguda Police Station, Hyderabad by respondent Nos.3 to 5.

3. According to the petitioner, he is a resident of Hyderabad and working as a Supervisor in a construction firm. Earlier, on 16.01.2005, Crime No.20 of 2015 was registered on the file of Banjara Hills Police Station, Hyderabad against the petitioner herein for the alleged offences under Sections 148, 452 and 506 read with 149 I.P.C. and Section 7 of Criminal Law Amendment Act, 1908. In the said crime, petitioner herein was shown as accused No.14. As a consequence of the registration of the said crime, police opened a rowdy sheet and continuing the same. It is submitted by the learned counsel for the petitioner that the said crime also ended in acquittal *vide* C.C.No.1385 of 2010 on the file of the Court of the XVII Additional Chief Metropolitan Magistrate, Nampally *vide* judgment, dated 07.09.2017. It is further submitted by the learned counsel that no other criminal case is pending against the petitioner herein and despite the same, the respondent authorities are continuing the rowdy sheet against the petitioner herein. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary and is in total violation

of Articles 14 and 21 of the Constitution of India. It is also submitted that rowdy sheets can neither be opened nor be continued in a routine and mechanical manner, as the personal liberty of an individual, guaranteed under Article 21 of the Constitution of India, is involved. It is further contended by the learned counsel that the impugned action is also opposed to the very spirit and object of Standing Order No.601 of the Police Standing Orders and that the case of the petitioner does not attract the ingredients of the said Standing Orders. It is further contended that the impugned action is contrary to the law laid down by this Court.

4. On the other hand, on written instructions, dated 16.02.2018, furnished by the Station House Officer, Narayanaguda Police Station, Hyderabad, it is submitted by the learned Government Pleader for Home that in order to have proper surveillance over the activities and to maintain peace and tranquility in the area, the rowdy sheet opened against the petitioner is being renewed from time to time and recently, the same stands extended till 31.12.2018. It is further submitted that without approaching the authority concerned, the present writ petition is filed directly before this Court under Article 226 of the Constitution of India and it is open for the petitioner herein to approach the appropriate authority for redressal of his grievance.

5. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition, keeping it open to the petitioner herein to submit an appropriate application before the respondents herein

for redressal of his grievance within a period of one week from the date of receipt of a copy of this order and if any such application is made, the same be considered and appropriate orders be passed strictly in accordance with law and the provisions of the Police Standing Orders within a period of three (3) months from the date of filing of such application.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

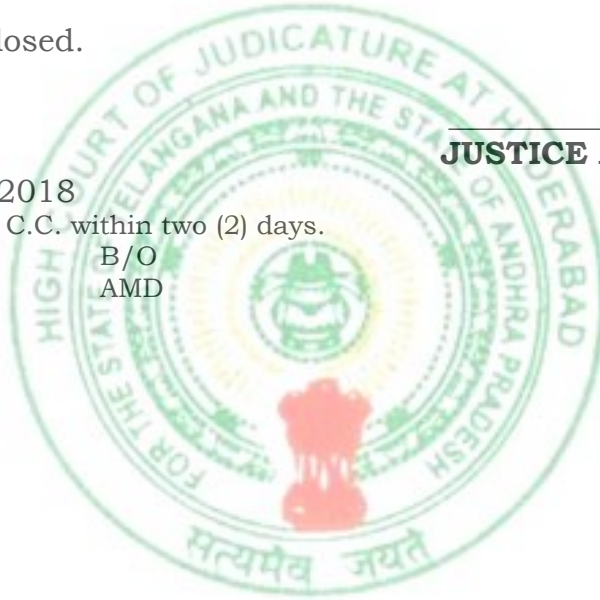
7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 26.02.2018

Note:- Furnish C.C. within two (2) days.

B/O
AMD

JUSTICE A.V.SESHA SAI



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Date: 26.02.2018

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