

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.7231 of 2018

ORDER:

In the present writ petition, challenge is to the action of opening and continuing of Rowdy Sheet against the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for Respondents.

3. It is contended by the learned counsel for petitioner that the questioned action is highly illegal, arbitrary, unreasonable, violative of Articles 14 and 21 of the Constitution of India, besides being opposed to the very spirit and object of the Police Standing Order 601. It is the further submission of the learned counsel that in the absence of necessary ingredients of PSO 601, opening of Rowdy Sheet against the petitioner cannot be sustained. It is the further submission of the learned counsel that there is no conviction so far against the petitioner. It is also the submission of the learned counsel that so far there are only two crimes registered against the petitioner and one case ended in acquittal.

4. On the contrary, it is submitted by the learned Government Pleader that there is absolutely no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India. It is also the submission of the learned Government Pleader that in view of involvement of the petitioner in criminal cases, his activities are required to be watched by continuing the rowdy sheet against him.

5. Even according to the Respondents, there is no order of conviction against the petitioner so far in any of the crimes registered against the

petitioner. It is also significant to note that Cr.No.317 of 2015 registered against the petitioner ended in acquittal and Cr.No.53 of 2017 is pending for trial and there is no conviction recorded against the petitioner till date. Since the provisions of PSO 601 are penal in nature, strict adherence to the said provisions is mandatory. Unless the necessary ingredients are present, the police authorities shall not open Rowdy Sheet against an individual which offends his constitutional right under Articles 14 and 21 of the Constitution of India. While invoking the provisions of PSO 601 for opening of Rowdy Sheet lot of care and caution and circumspection are required to be observed and Rowdy sheet cannot be opened in a mechanical and routine manner.

6. Therefore, having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader for Home, this Court deems it appropriate to dispose of the writ petition, leaving it open to the petitioner to submit a representation before the 4th respondent herein within a period of (10) days from the date of receipt of this order and if any such representation is made by the petitioner, the same be verified and appropriate action be taken strictly in accordance with law, within a period of four weeks thereafter, keeping in view the observations made supra. It is also open for the petitioner to enclose a copy of this order along with the representation.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 3.12.2018
DA



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



3.12.2018

DA