

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.23492 OF 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. In this writ petition, the petitioner seeks a direction to the respondents to close A+ rowdy sheet No.127 of 2009 which was opened by the 4th respondent against the petitioner on 22.07.2009. It is the case of the petitioner that except one case in S.C.No.26 of 2010 on the file of II Additional Sessions Judge, Guntur, wherein the petitioner was acquitted on 06.04.2010, no other criminal case has been registered against him till date. It is also his case that though he is neither a habitual offender nor there is any material to suspect that there is every likelihood of his committing the offence which is similar in nature disturbing the peace and tranquility, the police opened/continuing the said rowdy sheet against the petitioner.

3. Heard Mr.A.Ramesh Babu, learned Assistant Government Pleader for Home. In the counter affidavit, the 4th respondent has categorically admitted that the petitioner was acquitted by the II Additional Sessions Judge, Guntur in S.C.No.26 of 2010, dated 06.04.2010. It is not the case of the respondents-police that the petitioner was involved in any fresh cases.

4. Having heard the learned counsel on either side and on perusal of the material available on record, it is clear that the opening of A+ rowdy sheet in the name of the petitioner on the basis of his involvement in a single criminal case which is ended in acquittal is not sufficient to

term him as habitual offender under Clause-A of Order 601 of the Police Control Order. It is an admitted fact that the petitioner was already acquitted in the crime registered against him. In spite of the same, the respondents-police appear to have continued the rowdy sheet in his name.

5. In the above circumstances, this Court holds that opening of rowdy sheet in the name of the petitioner and continuance of the same thereafter, is in violation of the life and liberty as guaranteed to the petitioner under the provisions of the Constitution of India.

6. Accordingly, the Writ Petition is allowed. Consequently, the A+ rowdy sheet No.127/2009 on the file of Sattenapalli Town Police Station, Guntur District opened in the name of the petitioner is hereby quashed. No order as to costs.

Consequently, pending miscellaneous applications stand closed.

17th DECEMBER 2018
TSR

T.AMARNATH GOUD, J