

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.9922 of 2018

ORDER:

This Writ Petition challenges the validity and legal sustainability of the action of the respondents in opening and continuing rowdy sheet against the petitioner herein.

According to the learned Counsel for the petitioner, only two cases are registered so far against the petitioner herein viz. Crime No.61 of 2008 under Sections 147, 427, 153(A), 323 read with 149 IPC and 7(1)(A) of Criminal Amendment Act and Crime No.172 of 2016 under Sections 302, 120(B), 109, 201 read with 34 IPC of Amberpet Police Station. It is the further submission of the learned counsel that so far there is no conviction against the petitioner herein in any one of the criminal cases. It is further submitted by the learned counsel that there are absolutely no ingredients of Police Standing Orders, 601, and, in the absence of the same, it is not open for the respondents to open rowdy sheet and continue the same.

On the other hand, it is submitted by the learned Government Pleader for Home that, in view of involvement of the petitioner herein in two criminal cases, it has become incumbent for the respondents herein to open rowdy sheet and it is meant only to curb and curtail unlawful activities of the petitioner. According to the counter affidavit, Crime No.61 of 2008 registered against the petitioner, under Sections 147, 427, 153(A), 323 read with 149 IPC and 7(1)(A) of Criminal Amendment Act, ended in acquittal in

C.C.No.415 of 2008 dated 13.06.2013 and the only case pending against the petitioner herein is Crime No.172 of 2016 registered under Sections 302, 120(B), 109, 201 read with 34 IPC on the file of Amberpet Police Station.

It is clear from the above information that there is no conviction so far against the petitioner herein. Since the provisions of Police Standing Orders 601, are penal in nature, strict adherence to the same is imperative and the respondents shall strictly adhere to the standing orders.

Having regard to the submissions made by the learned counsel for the petitioner, this Court deems it appropriate to dispose of the Writ Petition, leaving it open to the petitioner herein to make appropriate application before third respondent within one week from the date of receipt of a copy of this order. If any such application is made, the same be considered in accordance with law within four weeks thereafter taking into consideration the Police Standing Orders 601.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

A.V.SESHA SAI,J

Date: 26.11.2018
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