

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 11059 of 2018

ORDER:

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

2. When the matter is taken up for hearing, written instructions dated 16.04.2018, furnished by the Sub Inspector of Police, Kakinada III Town Police Station are placed on record by the learned Government Pleader. The said instructions read as follows:

It is submitted that the petitioner herein is unlawful character locally and continuously indulging in the commission of lawless acts involving breach of public peace and tranquility. It is submitted that as per the available records the petitioner herein involved in the following criminal cases on the file of the respondent No.4 Station House Officer, III Town Police Station, Kakinada, East Godavari District.

- i. Cr.No.87/2014 for the offences U/s.145 Cr.P.C. The Mandal Executive Magistrate, Kakinada bound over the petitioner for good behaviour vide M.C.No.09/2014.
- ii. Cr.No.90/2014 for the offences U/s.324, 323, 506 r/w 34 IPC. The case is pending trial vide CC. No. 361/2015 on the file of IV AJFCM Court, Kakinada.
- iii. Cr.No.160/2015 for the offences U/s.341, 324, 506 r/w 34 IPC & Sec. 7(1) of Criminal Law Amendment Act. The case is pending trial vide C.C.No. 635/2015 before the IV AJFCM Court, Kakinada.

- iv. Cr.No.179/2015 for the offences U/s. 420 IPC. The case is pending trial vide C.C.No.127/2016 before the IV AJFCM Court, Kakinada.
- v. Cr.No.147/2017 for the offences U/s. 447, 506, 427, 352 r/w 34 IPC. Case charge sheeted and C.C. number is awaited.
- vi. Cr.No.148/2017 for the offences U/s. 341. 506 r/w 34 IPC. The case is under investigation.
- vii. Cr.No.28/2018 for the offences U/s. 447, 448, 427, 506 r/w 34 IPC. Case charge sheeted and C.C. number is awaited.
- viii. Cr.No.244/2017 for the offences U/s. 120(b) r/w 364 (a), 384, 506, 399, 342 IPC & Section 25(1) (a) Arms Act and Sec. 27, 29(a) of Arms Act of Razole Police Station. The case is under investigation.

It is submitted that in view of the involvement of the petitioner in the above criminal cases, it has become incumbent on the part of police to open a rowdy sheet to keep watch on his activities and to curtail unlawful activities. It is submitted that in this connection proposals has been sent to the Sub Divisional Police Officer, Kakinada Sub Division, East Godavari District to accord permission to open the rowdy sheet. The orders are awaited. After obtaining permission, rowdy sheet will be opened in accordance with law.

It is submitted that the petitioner herein to escape from the criminal liabilities of the above criminal cases, filed the present writ petition, leveling false allegations against the police that he harassed and interfered with the life and liberty of the petitioner. It is submitted that the 4th respondent never harassed or interfered with the life and liberty of the petitioner as alleged by him.

It is submitted that the contention of the petitioner that the respondent No.4 Station House Officer, III Town Police Station, Kakinada, East Godavari District harassed the petitioner and directed to attend Police Station on 24.03.2018 and 31.03.2018 for the purpose of taking photographs, thumb impression with an intent to open history sheet/rowdy sheet and interfered with the life and liberty of the petitioner is incorrect, baseless, far from truth and has been created for the purpose of filing the present Writ Petition. In this connection it is submitted that as of now, no rowdy sheet is opened against the petitioner herein. After obtaining permission from the Sub Divisional Police Officer, Kakinada Sub Division, East Godavari District, the petitioner will be called for the purpose of obtaining his particular for opening the rowdy sheet as per law.

It is incorrect to say that on 26.03.2018 the 4th respondent summoned the petitioner to the Police station, hence denied.

It is submitted that the allegation of the petitioner that at the instance of one Karri Ramchandra Reddy and his sons and KIMS Management, Amalapuram, the 4th respondent tried to branded the petitioner as habitual offender, harassed the petitioner to attend the police station is totally incorrect and baseless.

It is submitted that the 4th respondent never harassed or interfered with the life and liberty of the petitioner herein as alleged by him.

It is submitted that the allegations of the petitioner against the 4th respondent are false, hence denied. The writ petition is devoid of merits and liable to be dismissed.

3. This Court deems it appropriate to dispose of the Writ Petition by placing on record the above said instructions, furnished by the Sub Inspector of Police, Kakinada III Town

Police Station, East Godavari District and it is further directed that the respondent authorities shall act strictly in accordance with law.

4. The Writ Petition is accordingly disposed of.

5. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

A.V.SESHA SAI, J

Date: 24.04.2018

JR



THE HONURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 11059 of 2018



Dated: 24.04.2018

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