

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11206 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.3 herein in opening and continuing Rowdy Sheet opened against the petitioner herein basing on a single crime i.e., Cr.No. 230 of 2012 which was also ended in acquittal vide judgment in S.C.No. 194 of 2015 dt. 4-4-2016 on the file of the Principal Sessions Judge, Prakasam at Ongole, as being illegal and arbitrary and consequently direct the respondent Nos. 2 and 3 herein to close the rowdy sheet bearing No. 353 against the petitioner herein and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri Y.Narapa Reddy, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 to 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that the petitioner made a representation, dated 10.08.2017, to the Superintendent of Police, Prakasam District, at Ongole, requesting to give necessary instructions to the concerned Police Officer for closure of rowdy sheet bearing No.353 against the petitioner, but no action so far has been taken against the said representation.

4. Learned Government Pleader for Home, on oral instructions, would submit that the petitioner ought to have given a

representation to the Deputy Superintendent of Police instead of Superintendent of Police and that if the petitioner gives a fresh representation to the appropriate Officer, the same would be considered, in accordance with procedure established by law.

5. Accordingly, the Writ Petition is disposed of reserving liberty to the petitioner to submit a fresh representation to the Deputy Superintendent of Police concerned within a period of two (02) weeks from the date of receipt of a copy of this order to enable the said Officer to do the needful in the matter.

This Court has no reason to doubt that as and when such representation is filed by the petitioner, the said Officer would examine it in the light of the law laid down by this Court in W.P.No.4688 of 2012, which was disposed of on 16.03.2017 and the precedents of this Court in **SUNKARA SATYANARAYANA Vs. STATE OF ANDHRA PRADESH¹** and in **B. SATYANARAYANA REDDY Vs. STATE OF ANDHRA PRADESH AND OTHERS²**. It is made clear that the exercise indicated in this order shall be completed within a period of three (03) months from the date of receipt of the said representation by the said Officer from the petitioner. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 4th April, 2018

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¹ 1999 (6) ALT 249

² 2004 (2) ALT (Cri.) 115 (D.B) (A.P)

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