

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

WRIT PETITION No.24325 of 2015

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the entire material available on record.

This Writ Petition challenges the action of the respondents, in opening and continuing rowdy sheet No.90, dated 18.04.2007, on the file of the Station House Officer, Thallur Police Station, Prakasam District-5th respondent herein, against the petitioner herein.

According to the learned counsel for the petitioner the impugned action is highly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. It is the further submission of the learned counsel for the petitioner that the impugned action is also opposed to the very spirit and object of the Police Standing Orders, 601 and that there is no conviction so far against the petitioner herein and the very continuation of the rowdy sheet is impermissible under the Police Standing Orders, 601.

On the other hand, it is submitted by the learned Government Pleader, reiterating the contents of the counter-affidavit, deposed by the Sub-Divisional Police Officer, Darsi Sub-Division, Prakasam District, that, in view of the involvement of the petitioner in various crimes, it has become incumbent on the part of the respondent-police authorities to

continue the rowdy sheet again in 2015. According to the counter-affidavit, filed by the Sub-Divisional Police Officer, the police registered as many as seven cases against the petitioner herein so far, out of which Cr.No.47/2002 was referred as 'false' on the file of the learned Judicial First Class Magistrate, Darsi on 29.07.2003 and in Cr.No.52/2002, which culminated in C.C.No.185/2002 on the file of the learned Judicial First Class Magistrate, Darsi, petitioner herein was acquitted. In Cr.No.57/2002, registered against the petitioner herein under Section 107 Cr.P.C., the period of six months also came to an end. Cr.No.6/2003 also ended in acquittal, vide S.C.12/2008 on the file of the SC/ST Court, Ongole. Cr.No.12/2010 on the file of the I Town Police Station ended in compromise before the Lok Adalat, Ongole on 28.06.2012. In Cr.No.52/2013, registered under Section 110 E of Cr.P.C. on the file of the Thallur Police Station, bind over period of six months also came to an end, so also in Cr.No.18/2014, on the file of the Thallur Police Station, for the alleged offence under Section 110 E of Cr.P.C vide M.C.No.6/2014. The above information clearly discloses that so far the petitioner herein did not suffer any conviction in any one of the cases registered against him.

In the absence of any conviction and registration of any crimes subsequent to 2014, as submitted by the learned counsel for the petitioner, this Court finds no justification on the part of the respondent-police authorities in continuing the

rowdy sheet opened against the petitioner herein. It is also made clear that mere registration of crimes should not automatically result in opening of rowdy sheet unless the necessary ingredients of Police Standing Orders, 601 do exist.

It is submitted by the learned Government Pleader that the process of renewal of all the rowdy sheet cases will be undertaken in the month of December, 2018 and that, if the petitioner herein makes an appropriate application before the Deputy Superintendent of Police, Darsi-third respondent herein, the same will be considered, strictly in accordance with law.

Having regard to the above facts and circumstances, Writ Petition is disposed of, permitting the petitioner herein to make an appropriate application, within a period of one week from the date of receipt of a copy of this order, before the third respondent herein, and if the same is submitted, within the time stipulated above, necessary action be taken by the third respondent herein and appropriate orders be passed, strictly in accordance with law, within a period of six weeks thereafter, by taking into consideration the observations made supra. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

12th November, 2018
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A.V. SESA SAI, J