

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

W.P.No.17234 of 2018

ORDER:

Challenge in the present writ petition is opening and continuation of rowdy sheet against the petitioner herein under Police Standing Order 601.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home and perused the material available on record.

3. According to the learned counsel for the petitioner, the questioned action is highly illegal, arbitrary, unreasonable and violative of Articles 14 and 21 of the Constitution of India, besides being opposed to the very spirit and object of PSO 601. In elaboration, it is contended by the learned counsel that in the absence of any ingredients of PSO 601, there is no justification on the part of the Respondent Police authorities in continuing rowdy sheet against the petitioner herein.

4. On the contrary, it is strenuously contended by the learned Government Pleader that in view of involvement of the petitioner in the criminal case and in order to have a close watch on the activities of the petitioner, rowdy sheet was opened against the petitioner on 2.9.2011. It is also stated in the counter affidavit filed by the Assistant Commissioner of Police, Central Zone, Vijayawada City that petitioner was acquitted in Cr.No.614 of 2012 vide C.C.No.633 of 2012 dated 15.4.2015 on the file of VI Addl. Chief Metropolitan Magistrate, Vijayawada and in pursuance of the same, petitioner made a representation on 11.4.2018 to the Commissioner of Police, Vijayawada, seeking closure of rowdy sheet against him and the same

will be considered at the time of review/renewal of his rowdy sheet to be taken up in December, 2018.

5. It is a settled and well established principle of law that opening of rowdy sheet is undoubtedly an action of penal nature, as such, the authorities are required to examine the issues with great care, caution and circumspection. Strict adherence to the requirements of Clauses (A) to (I) of Police Standing Order 601 is mandatory and obligatory. Unless clauses (A) to (I) are conspicuously present, opening and continuation of rowdy sheet cannot be resorted to. In the instant case, only one case is registered against the petitioner under Section 324 IPC and the same also ended in acquittal vide C.C.No.633 of 2012 dated 15.4.2015 on the file of IV Additional Chief Metropolitan Magistrate, Vijayawada. Therefore, the petitioner herein cannot be regarded as a habitual offender. It is not the case of the Respondents that other cases are pending against the petitioner.

6. Since the representation submitted by the petitioner on 11.4.2018 is pending before the Respondent Police authorities, this Court deems it appropriate to direct the Respondent Police to verify the said representation and take appropriate action strictly, in accordance with law, by taking into consideration the observations made supra. This exercise shall be completed within a period of six weeks from the date of receipt of this order.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 19.11.2018
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19.11.2018

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