

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.18425 OF 2018

O R D E R

Alleging that respondent No.3 – Sub Inspector of Police, Tuni Police Station, Tuni, East Godavari District, Andhra Pradesh, is calling the petitioner to the police station without any authority of law and harassing him, the present writ petition is filed.

The case of the petitioner, as per the averments made in the affidavit filed in support of the writ petition is that, he was accused in C.C.No.665/2007 on the file of Judicial First Class Magistrate, Tuni, for the offence punishable under Section 353 read with 34 IPC, and the said case ended in acquittal by judgment dated 29.04.2010 and there after no case was registered. He is eking out his livelihood by working as cook. The grievance of the petitioner is that though no rowdy sheet was opened against him, the 3rd respondent is asking him to visit the police station without any authority of law and that the same amounts to infringement of his fundamental right under Article 21 of the Constitution of India. Hence the writ petition.

Learned counsel appearing for the petitioner reiterating the above averments, further submits that when an individual is indulging in any of the criminal activities mentioned under clauses (a) to (e) of Police Standing Order No.742, police can open rowdy sheet against an individual. He stated that no rowdy sheet was opened against the petitioner and the petitioner is eking out his livelihood by working as cook. But the 3rd respondent is asking the petitioner to visit the police station frequently and this is resulting in violation of his fundamental rights.

Learned Assistant Government Pleader for Home on production of record, submit that the then Sub Inspector of Police Turni Town Police station vide letter dated 18.11.2007 sought the Additional Superintendent of Police, East Godavari District, Peddapuram Sub Division, Kakinada, to open rowdy sheet against the petitioner. However, petitioner filed representation dated 09.12.2016 seeking for revocation of rowdy sheet. He stated that the 3rd respondent in the month of January, addressed letter through proper channel i.e., the Sub Divisional Police Officer, Peddapuram, stating that there is no need to keep the movements of the petitioner under watch and sought to pass appropriate orders closing the rowdy sheet. He stated that the 3rd respondent is not calling the petitioner to the police station, as alleged. With these submissions, learned Assistant Government Pleader for Home sought to dismiss the writ petition.

Though the averments of the petitioner that he is being called by the 3rd respondent to the police station are emphatically denied, the fact remains that vide letter dated 18.11.2007, the then Sub Inspector of Police Turni Town Police station, requested the Additional Superintendent of Police, to open rowdy sheet against the petitioner. As per the averments made in the writ affidavit, except the involvement of the petitioner in C.C.No.665 of 2007, which ended in acquittal, he is not involved in any crime till date. Petitioner made representation dated 19.12.2016 to the Sub Divisional Police Officer for revocation of rowdy sheet. The 3rd respondent through letter addressed to the Superintendent of Police, which was endorsed by the Sub Divisional Police Officer, Peddapuram dated 10.02.2017, submitted that the petitioner is leading a peaceful life and there is no need to keep his movements under watch. The relevant portion of the letter, reads as under:

"I submit that the reference cited is the representation submitted to the Superintendent of Police, East Godavari District, Kakinada by Lanka Sinu s/o Musliyya, A/42 yrs, C/ SC – Mala, is residing 2nd ward, Kondavaripeta, Tuni Town Rowdy sheet of Tuni Town Police Station with a request to close rowdy sheet against him since he had not involved in any further offence after opening rowdy sheet against him.

I submit that in the year 2007 rowdy sheet opened against Lanka Sinu s/o Musliyya, A/42 yrs, C/SC-Mala, 2nd ward, Kondavaripeta, Tuni for his involvement as accused in Cr.No.131/2007 U/s 353 r/w 34 IPC of Tuni Town Police Station. This case ended in acquittal u/s 248(1) Cr.P.C. by AJFCM, Tuni on 29.04.2010 vide C.C.No.665 of 2007.

Since 2007 the opening of rowdy sheet, the said rowdy sheeteer has not been involved in any criminal cases much less than violent act. He has not come to any adverse notice at the police of Tuni town regarding his character and conduct. He is living as a professional cook, now he is aged about 40 years.

In view of the above there is no need to keep his movements under watch, as he is leading peaceful life. Hence orders may kindly be issued to close this rowdy sheet."

Pursuant to the above letter of 3rd respondent, the competent authority, who according to the learned counsel for the petitioner, is Deputy Superintendent of Police, East Godavari District, Kakinada; has not passed any orders.

In view of the above, the competent authority / Deputy Superintendent of Police, East Godavari District, Kakinada, is directed to consider the facts and circumstances and pass appropriate orders in accordance with law, on the representation of the petitioner dated 19.12.2016, taking into considering the letter of the 3rd respondent, which is extracted above, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, writ petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:15—06—2018

Note:

Copy of this order shall be marked to
Deputy Superintendent of Police, Peddapuram Sub
Division, East Godavari District, Andhra Pradesh.

B/O

AVS

