

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.22746 of 2017

The alleged action on the part of the third respondent, in issuing proceedings bearing C.No.288/SDPO-GZL/2014, dated 27.10.2014, opening suspect sheet against the petitioner, is under challenge in the present Writ Petition.

According to the learned counsel for the petitioner it is not open for the third respondent to open suspect sheet against the petitioner since only one crime registered against the petitioner herein vide Cr.No.201/2014, under Sections 3 & 4 of the A.P.Gaming Act (Cricket Betting), on the file of the Police Station, Macherla Urban is pending trial vide STC.No.94/2016 on the file of the Junior Civil Judge, Macherla. In support of his contention, he placed reliance on a judgment of this Court reported in **SUNKARA SATYANARAYANA v. STATE OF ANDHRA PRADESH AND OTHERS**¹. Paragraph No.91 of the said judgment reads as under:

“Relying on various judgments of the Supreme Court I have to hold that the obtrusive surveillance on the petitioner violated right to life and liberty under Article 21 of the Constitution of India. This criticism can only be met by the police by producing valid reasons before this Court. In my considered opinion the competent Gazetted Police Officer has not at all applied mind while passing orders from 1-1-1989

¹ 2000 (1) ALD (CrI) 117 (AP)

onwards. The pendency of petty cases under the Gaming Act cannot be the ground for retention of the history sheet. Even on this it is to be noticed that with regard to petty case Nos. 303 to 306 of 1997 Under Section 9(1) of Gaming Act and petty case Nos. 416 to 425 of 1977 for the same offence, fine was imposed in summary trial cases. The offences against a person under Gaming Act, if any, do not furnish any ground for opening a history sheet. Therefore, it has to be held that the fundamental rights of the petitioner to the life and liberty have been grossly violated by the respondents. The spirit of relevant Police Standing Orders have not been kept in view. There is considerable force in the submission of the learned Counsel for the petitioner that retention of the history sheet against the petitioner after 1988 is arbitrary and violates the human rights of the petitioner”.

While referring to the above said judgment, it is further submitted by the learned counsel for the petitioner that the very continuance of the suspect sheet against the petitioner herein is not only violative of Article 21 of the Constitution of India but also the law laid down by this Court in the above referred judgment.

Having regard to the nature of controversy and in the facts and circumstances of the case, the Writ Petition is disposed of, keeping it open for the petitioner to file an application before the third respondent, within a period of one week from the date of receipt of a copy of this order, enclosing a copy of the above referred judgment, for redressal of his grievance. If any such application is made, within the time stipulated above, the same

be considered and appropriate action be taken by the respondent No.3, strictly in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI

29th January, 2018.
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