

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24129 OF 2018

ORDER:

The grievance of the petitioner is that he was falsely implicated in Crime No.1/2014 as Accused No.4, on the file of Bitragunta Police Station, Nellore; that after registration of crime the petitioner along with 11 others have approached the District & Sessions Judge, Nellore by filing bail petition under Section 439 Cr.P.C. in Cr1.MP.No.181/2014 in Cr.No.1/2014 and then the I Additional District Sessions Judge, Nellore by its order dated 20.02.2014 was pleased to order the petitioner to be enlarged on bail on executing a bond for Rs.10,000/- with two sureties to the satisfaction of the trial Court and also directed, after release, the petitioner shall report before the Station House Officer, Bitragunta on every Sunday in between 10 A.M. to 11 A.M. for a period of two months or till filing of charge sheet whichever is earlier. In compliance of the said order, petitioner was enlarged on bail and also reporting to the 5th respondent on every Sunday since then. The said two months time expired by 20.04.2014, but still the 5th respondent high handedly continued to call the petitioner to report to the station and tortured the petitioner by using 3rd degree methods. As on today the 5th respondent has not filed charge sheet. The action of the 5th respondent in calling the petitioner to police station even after expiry of conditions of bail order is illegal.

On the other hand, learned Assistant Government Pleader for Home produced written instructions stating that already charge sheet is filed and the same is registered as PRC No.8/2018; and that the respondent police are not calling the petitioner in connection with Crime No.1/2014 as investigation is completed and charge sheet is filed; and that the respondent police are calling the petitioner to the police station in connection with Rowdy Sheet No.666 opened against the petitioner on 08.11.2014 and the same is extended till 31.12.2018.

Heard learned counsel for the petitioner who submits that petitioner is not aware of opening of Rowdy Sheet; and that petitioner's name is Prem Sharath Kumar, whereas Rowdy Sheet is opened against Peetla Sharath Kumar.

In this case it is to be seen that though the petitioner enclosed the bail petition filed by the petitioner in CrI.MP.No.181/2014 showing the petitioner's name as Peetla Sarath Kumar, but, in the writ affidavit, he did not state wrong mentioning of petitioner's name in the bail petition. In the written instructions it is clearly mentioned that photographs of the petitioner in the bail records are compared with the Aadhar card of the petitioner and found that there is no dispute regarding the identity of the petitioner. Copy of the Rowdy Sheet opened against the petitioner is also filed before this Court and the petitioner also appeared before the concerned authority. In view of the same, I do not see any reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. However, if petitioner is aggrieved of opening of Rowdy Sheet against him, he can challenge same. The respondents are directed to serve a copy of the Rowdy Sheet to the petitioner. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.08.2018

Note: Issue CC by 17-08-2018.
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