

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO. 24741 OF 2015

ORDER:

The action of the respondents in not closing the rowdy sheet opened against the petitioner is under challenge in the present Writ Petition.

2. Heard both sides.

3. According to the petitioner, he is doing cultivation and actively participating in politics in Congress party. Pursuant to filing of CC.No.57 of 2006 and CC.No.485 of 2004, a rowdy sheet was opened against him and the said rowdy sheet is being continued.

4. According to the learned counsel for the petitioner, the continuance of the rowdy sheet against the petitioner is highly illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India. Further, in the absence of any ingredients of Police Standing Order No.601, there is no justification on the part of the respondent police authorities to continue the rowdy sheet against the petitioner herein.

5. On the other hand, learned GP submits that neither there is any illegality nor there exists any infirmity in the impugned action.

6. The provisions pertaining to opening of rowdy sheet against an individual are penal in nature. Therefore, strict adherence to the provisions of law is mandatory. Unless necessary mandates of Police Standing Order No.601 are present, a rowdy sheet cannot be opened in a routine manner. In the instant case, the two cases i.e., CC.No.57 of 2006 and CC.No.485 of 2004, pursuant to which a rowdy sheet has been opened against the petitioner, have been dismissed. Even in the counter affidavit filed on behalf of respondent No.3, it is admitted that the said two cases ended in acquittal.

7. Therefore, in view of the admission in the counter affidavit as stated supra, this Writ Petition is allowed quashing the rowdy sheet against the petitioner.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

T. AMARNATH GOUD,J

Date: 14.12.2018

KPM