

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26746 OF 2018

O R D E R :

This writ petition is filed challenging the action of the 2nd respondent in continuing the Rowdy Sheet opened against the petitioner through proceedings dated 02.03.2015, contrary to the order Nos.601 602 of A.P.Police Mannual.

The case of the petitioner is that a Rowdy Sheet was opened against the petitioner basing on the crime No.2/2015 registered under Sections 452/307, read with Section 34 IPC and after filing charge sheet the same was numbered as PRC.No.18/2015 on the file of I Additional Junior Civil Judge-cum-Judicial Magistrate of First Class, Tenali for the last three years and that trial is not yet commenced.

Learned counsel for the petitioner submits that Rowdy Sheet cannot be opened basing on the solitary criminal case and that solitary criminal case is not sufficient to term the petitioner as habitual offender under clause-A of Order 601 of A.P.Police Mannual.

On the other hand counter filed by the respondents goes to show that in view of the involvement of the petitioner in Crime No.2/2015, registered under Sections 432, 307, read with 34 IPC, a Rowdy Sheet was opened against the petitioner and after filing charge sheet the said crime was registered as

PRC.No.18/2015, later after committal the same is numbered as SC.No.455/2015 and the same is pending on the file of Senior Civil Judge, Bapatla, Guntur District for trial. It is also stated that in view of petitioner's unlawful activities causing breach of peace in the area, to kept watch on the activities and to curtail his unlawful, a Rowdy Sheet was opened against the petitioner. It is further submitted that though the petitioner is facing charges in Cr.No.2/2015, he did not mend his ways and has been continuing his unlawful activities, by creating panic in the public by threatening them and causing breach of peace in the area; and that to keep watch on the unlawful activities of the petitioner a rowdy sheet was opened against the petitioner and the same has been reviewed each year and continued; and that at present, the rowdy sheet of the petitioner was reviewed by the Sub-Divisional Police Officer, Tenali, who ordered to continue the rowdy sheet against the petitioner till 31.12.2018.

Heard learned Assistant Government Pleader for Home who submits that the Rowdy Sheet of the petitioner was reviewed and extended till 31.12.2017 in view of the unlawful activities of the petitioner and in view of the serious crime pending against the petitioner.

In this case it is to be seen that as per counter affidavit it is admitted case that a Rowdy Sheet was opened against the petitioner basing on the crime which is now pending trial

in SC.No.455/2015 before the Senior Civil Judge Court, Bapatla, Guntur District. Except that no other cases are registered against the petitioner. It is also stated that even extension of Rowdy sheet against the petitioner is only basing on the said crime. Record produced by the respondents also goes to show the notice issued against the petitioner was found wherein it is stated that Rowdy Sheet is retained against the petitioner till 31.12.2017. Nowhere it is stated that Rowdy Sheet opened against the petitioner is extended till 2018.

This Court in WP.No.18142/2012 held as follows;

“ In the light of the afore-stated settled legal position, the opening of a rowdy sheet in the name of the petitioner on the basis of his involvement in a solitary criminal case was not sufficient to term him a ‘habitual offender’ under clause (A) of Order 601. Further, it is an admitted fact that he stood acquitted in the said case. Despite the same, the police authorities seem to have continued the rowdy sheet in his name. This Court therefore has no hesitation in holding that the opening of the rowdy sheet in the name of the petitioner and continuance of the same thereafter was in utter violation of the law laid down by this Court. The writ petition is therefore allowed.

The rowdy sheet opened in the name of the petitioner on the file of Gooty Police Station, Anantapur is accordingly quashed.”

In view of the aforesaid facts and circumstances, since there is no extension of Rowdy Sheet beyond 31.12.2017 even as per the records produced by the learned Assistant Government Pleader, the writ petition is disposed of holding

that as on today no Rowdy Sheet exists against 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

21.08.2018

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