

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO. 30609 OF 2015

ORDER:

This Writ Petition is filed seeking a declaration that the action of the 3rd respondent, Station House Officer, Bethamcherla Urban Police Station, Bethamcherla, Kurnool district, in opening and continuing rowdy sheet No.531 of 2014 dated 20.9.2014 against the petitioner is illegal, unjustified and violative of Articles 14, 19 and 21 of the Constitution of India.

2. Learned counsel for the petitioner submits that a rowdy sheet was opened against the petitioner on the ground that he was accused in Cr.No.184 of 2014 under Sections 147, 148, 307 read with 149 IPC and in Cr.No.44 of 2004 under Section 110 (e) & (g) of Cr.P.C.

3. Learned counsel for the petitioner further submits that the case in Cr.No.184 of 2014 has been tried by the Additional Assistant Sessions Judge, Kurnool in Sessions Case No.388 of 2015 and the petitioner who is shown as Accused No.11 has been found not guilty and was acquitted by judgment dated 8.8.2017. In so far as Cr.No.44 of 2004 is concerned, the necessary mandates of Police Standing Order are not satisfied, to open a rowdy sheet against the petitioner.

4. Sri A.Ramesh Babu, learned Assistant Government Pleader contended that the petitioner is not entitled for any relief and the Writ Petition is liable to be dismissed and seeks time to file counter.

5. Since the matter pertains to the year 2015 and the liberty of the petitioner envisaged under the Constitution of India cannot be deprived once he was acquitted in the criminal case, and the respondents have not chosen to take any steps for filing counter since 2015, this Court is not inclined to grant any further time.

6. Having heard both the counsel, it is seen that the case in Cr.No.184 of 2014 has ended in acquittal in so far as the petitioner is concerned. In so far as Cr.No.44 of 2004 is concerned, necessary mandates of Police Standing Order No.601 are not present to term the petitioner as a habitual offender and to open a rowdy sheet against him.

7. In the above circumstances, this Court holds that opening of a rowdy sheet in the name of the petitioner and continuing the same thereafter, is in violation of the life and liberty as guaranteed to the petitioner under the provisions of the Constitution of India.

8. Accordingly, the Writ Petition is allowed setting aside the rowdy sheet opened in the name of the petitioner.

Pending miscellaneous petitions, if any, shall stand closed.

No order as to costs.

T. AMARNATH GOUD,J

Date: 14.12.2018

KPM