

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10733 of 2016

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home, apart from perusing the entire material available on record.

This Writ Petition challenges the validity and the legal sustainability of the action of the respondents in opening and continuing rowdy sheet against the petitioner herein.

It is submitted by the learned counsel for the petitioner that the impugned action, on the part of the respondent authorities, is highly illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and, in elaboration, learned counsel further submitted that as on date no case is pending against the petitioner herein and, despite the same, respondent Nos.2 and 3 are continuing rowdy sheet against the petitioner herein.

During the course of arguments, the information furnished by the Sub-Inspector of Police, Mangalagiri Rural Police Station, Guntur Urban, on the application of the petitioner herein, under the Right to Information Act, 2005, is placed on record by the learned counsel for the petitioner and, even according to the said information, there are no criminal cases pending against the petitioner herein.

On the contrary, it is submitted by the learned Government Pleader that, in view of the involvement of the

petitioner in the crimes earlier and in order to have a watch on his movements it has become incumbent on the part of the respondent-police authorities to continue rowdy sheet against the petitioner herein.

It is also the submission of the learned counsel for the petitioner that, in the absence of any ingredients of the Police Standing Orders, 601, there is no justification on the part of the respondent authorities in continuing the rowdy sheet against the petitioner herein. Since the action of opening a rowdy sheet and continuation of the same casts stigma on a citizen, the police authorities are required to be very cautious in resorting to the same and the said action undoubtedly impacts the reputation of the individual in the society. Therefore, utmost care should be taken either for opening the rowdy sheet or continuing the same.

In the instant case, as evident from the counter-affidavit, there are no cases pending against the petitioner herein. Cr.No.217/2006, on the file of the Mangalagiri Rural Police Station, Guntur Urban District, ended in compromise before the Lok Adalat on 09.11.2006 and the bind over period in Cr.Nos.231/2006, 121/2007, 289/2007 and 357/2015 also came to an end. Cr.No.115/2007 ended in acquittal on 10.12.2009. Even according to the information furnished by the Public Information Officer/Station House Officer, Mangalagiri Rural Police Station, Guntur Urban, there are no cases pending against the petitioner herein. In view of the

same, justification sought to be offered by the petitioner herein in the counter-affidavit that in view of the involvement of the petitioner herein in the above referred cases, it has become incumbent on the part of the respondent-police to keep watch on his activities and to curtail his unlawful activities, rowdy sheet has been opened against him, cannot be sustained in the eye of law.

For the aforesaid reasons, Writ Petition is disposed of, keeping it open for the petitioner herein to make an appropriate application before the Deputy Superintendent of Police, Mangalagiri Police Station, within a period of one week from the date of receipt of a copy of this order and, if any such application is made, the same be considered and appropriate orders be passed/appropriate action be taken, strictly in accordance with law, within a period of six weeks thereafter, taking into consideration the observations made supra. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

19th November, 2018
smr

A.V. SESA SAI, J