

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 22788 of 2016

ORDER:

Petitioners seek a writ of mandamus to declare the action of respondent No.4 (Station House Officer, III Town Law and Order Police Station, Rajamahendravaram, East Godavari District), in opening rowdy sheets dated 18.07.2013 and continuing the same, as illegal and arbitrary.

Petitioner Nos.1 and 2 claim to be brothers and hail from a respectable family and are permanent residents of Rajamahendravaram. They, along with other accused, were tried in C.C.No.60 of 2013 by the III Additional Judicial First Class Magistrate, Rajamahendravaram, for the offences under Sections 323, 341 and 506 read with 34 IPC and were acquitted vide judgment dated 20.01.2016. They allege that another false case, in Crime No.164 of 2012, was foisted which was tried as S.C.No.266 of 2013 by the Principal Assistant Sessions Judge, Rajamahendravaram, and the learned Sessions Judge acquitted vide judgment dated 23.02.2015.

Petitioner's grievance is that respondent No.4, due to political pressure, mechanically opened rowdy sheet vide Sl.Nos.65 and 66 dated 18.07.2013, against the provisions of A.P. Police Manual and Police Standing Orders No.601.

Heard the learned Counsel for the petitioners and learned Assistant Government Pleader for Home (AP).

Learned counsel for the petitioners submits that, though C.C.No.60 of 2013 and S.C.No.266 of 2013 ended in acquittal, and since 2013 no fresh cases have been registered against the petitioners, continuance of rowdy sheet by respondent No.4 is nothing but abuse of power.

In the counter affidavit filed by respondent No.3, it is stated that, in addition to the above two cases, another Crime No.40 of 2013, under Section 107 Cr.P.C, was registered on the file of III Town (L&O) Police Station, Rajamahendravaram, wherein the Mandal Executive Magistrate, Rajamahendravaram, bound over the petitioners for good behaviour; as per the A.P. Police Standing Order 601, the following persons may be classified as rowdies and Rowdy Sheets (from 80) may be opened for them under the orders of the SP/DCP and ACP/SDPO.

- A. Persons who habitually commit, attempt to commit or abet the commission of, offence involving a breach of the peace, disturbance to public order and security.
- B. Persons bound over under [Sections 106, 107, 108](#) (1) (i) and 110 (e) and (g) of [Cr.P.C.](#)
- C. Persons who have been convicted more than once in two consecutive years under sections 59 and 70 of the Hyderabad City Police Act or under [Section 3](#), Clause 12, of the A.P. Towns Nuisances Act.
- D. Persons who habitually tease woman and girls and pass indecent remarks.
- E. Rowdy Sheets for the rowdies residing in one Police Station area but found frequenting the other PSs area, can be maintained at all such Police Stations.
- F. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents.

- G. Persons who incite and instigate communal/caste or political riots.
- H. Persons detained under the AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1966 for a period of 6 months or more.
- I. Persons who are convicted for offences under the Representatives of the Peoples Act for rigging and carrying away ballot papers, Boxes and other polling material.

Learned Assistant Government Pleader for Home (AP) submits that since petitioners were bound over in Crime No.40 of 2013, rowdy sheets have been opened; and as the petitioners created panic atmosphere and committed breach of peace and disturbed public tranquility in drunken state, closure of rowdy sheet Nos.65 and 66 was rejected and continued the rowdy sheets.

In the circumstances, the Writ Petition stands disposed of directing the petitioners to file a representation afresh within one month from the date of receipt of a copy of this order, and the authorities concerned shall consider the representation of the petitioners strictly in accordance with the provisions of A.P. Police Standing Order 601, and pass appropriate orders on proper enquiry into the matter.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:20.04.2018
 Note:CC one week
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