

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

WRIT PETITION No.38585 OF 2018

ORDER :

Opening of the Rowdy Sheet against the petitioner herein vide Rowdy Sheet No.417/2017 on the file of the 4th respondent police station is under challenge in the present writ petition.

According to the learned counsel for the petitioner, there is no conviction order against the petitioner in any of the crimes registered. He further submits that in the absence of any conviction order against the petitioner herein and in the absence of necessary ingredients of Police Standing Orders, 601, the respondent authorities are not justified in continuing the rowdy sheet against the petitioner herein.

On the other hand, it is submitted by the learned Government Pleader that in view of the involvement of the petitioner in a number of crimes, it has become incumbent on the part of the police authorities to open rowdy sheet against the petitioner herein in order to have a close watch on his movements and in order to curtail his activities. He further submits that the rowdy sheet against the petitioners herein is being continued out of public interest.

The material available on record discloses that there are three crimes registered against the petitioner herein and following are the particulars of the same.

1. Cr.No.22/2012 on the file of Prathipadu Police Station for the alleged offences registered U/s.324, 506 r/w.34 IPC.

2. Cr.No.43/2014 on the file of Prathipadu Police Station for the offences registered U/s.107 Cr.P.C.

3. Cr.No.139/2016 on the file of Prathipadu Police Station Police Station for the offences registered U/s.324, 323, 506 r/w.34 IPC wherein a charge sheet is filed before the Court.

It is required to be noted that Cr.No.22 of 2012 which was later numbered as CC.No.225/2012 ended in acquittal. Cr.No.43/2014 initiated under Section 107 Cr.P.C also came to an end by efflux of time and the only case pending against the petitioner herein is Cr.No.139/2016 wherein a charge sheet is filed. It is also required to be noted that there is no conviction order against the petitioner in any of the crimes registered.

The provisions of the Police Standing Orders are penal in nature, as such, strict adherence to said provisions is mandatory. Unless necessary ingredients of the said provisions do exist, a rowdy sheet against a citizen cannot be opened in a casual and routine manner.

Having regard to the submissions of learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition, leaving it open for the petitioner herein to make an appropriate application/representation before the 3rd respondent within ten (10) days from the date of receipt of copy of this order with a further direction to the 3rd respondent to pass appropriate orders within eight (08) weeks from the date of receipt of said application, strictly in accordance law. There shall be no order as to costs.

With the above observations, writ petition is disposed of.
Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

17.12.2018
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