

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.40853 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and the learned Government Pleader for Home for the respondents.

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

According to the learned Counsel appearing for the petitioner the questioned action is highly illegal, arbitrary and unreasonable, violative of Articles 14 and 21 of the Constitution of India besides being opposed to the very spirit and object of the Police Standing Orders 601. In elaboration, it is submitted by the learned Counsel for the petitioner that there are absolutely no ingredients of Police Standing Orders 601, as such the respondents/police authorities are not justified in opening the rowdy-sheet against the petitioner herein.

On the contrary, it is maintained by the learned Government Pleader that in view of the involvement of the petitioner herein in a murder case on the file of Bahadurpura Police Station, it has become incumbent on the part of the police authorities to open a rowdy-sheet in order to have a watch on the movements of the petitioner herein. It is further submitted by the learned Government Pleader that S.C.No.289/2017 is pending adjudication on the file of the II-Additional Metropolitan Sessions Judge, Hyderabad.

When the matter is taken up today, the written instructions furnished by the S.I. of Police, Mailardevpalli Police Station, dated 13.11.2018, are placed on record by the learned Government Pleader.

It is not in dispute that the provisions of Police Standing Orders 601 are penal in nature. Therefore, the respondent-police authorities are required to be very cautious and careful while opening the rowdy-sheet against the individuals. Strict compliance of the provisions of law is mandatory while opening the rowdy-sheet since the liberty of an individual as guaranteed under Article 21 of the Constitution of India is involved. It is not the case of the respondents herein that the petitioner herein is a habitual offender. It is also significant to note that except the above mentioned case, there is no other case pending against the petitioner herein. Unless necessary ingredients of PSO 601 are present, no rowdy-sheet can be opened. It is also important to note that the petitioner herein made a representation on 23.10.2018 to the 3rd respondent for redressal of his grievance and the same is pending consideration before the 3rd respondent. The justification sought to be offered by the respondents herein that in order to have a watch on the activities of the petitioner herein, a rowdy-sheet is being continued cannot be sustained in the eye of law.

Therefore, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the 3rd respondent to verify the representation dated 23.10.2018 said to have been submitted by the petitioner herein for deletion of his name from rowdy-sheet and to pass appropriate Order/take appropriate action, strictly in accordance with law, as per the provisions of the Police Standing

Orders 601 and the observations made supra, and this exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order.

The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:28.11.2018
DA/SMR

