

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.43320 of 2018

ORDER:-

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

2. In the present Writ Petition challenge is to the action on the part of the 3rd respondent in opening and continuing the rowdy-sheet against the petitioner herein.

3. According to the learned Counsel appearing for the petitioner, the very opening of the rowdy-sheet against the petitioner herein is highly illegal, arbitrary, 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. It is further submitted by the learned Counsel for the petitioner that in the absence of any ingredients of Police Standing Orders 601, there is no justification on the part of the respondents in opening the rowdy-sheet and continuing the same. In elaboration, it is further submitted by the learned Counsel for the petitioner that the only Cr.No.230 of 2012 on the file of Ongole Taluk Police Station, which culminated in S.C.No.194 of 2015 ended in acquittal on 04.04.2016 on the file of the Sessions Judge, Prakasam Division, Ongole.

4. On the other hand, it is submitted by the learned Government Pleader that there is no illegality nor there exists any infirmity in the impugned action and in the absence of the same, the Writ Petition is not maintainable under Article 226 of the Constitution of India.

5. According to the petitioner, he submitted a representation on 25.07.2018 to the Deputy Superintendent of Police, Prakasam District at Ongole/R.2 herein, requesting for deletion of his name from the rowdy-sheet, but no action has been taken.

6. Having heard the learned Counsel for the petitioner and the learned Government Pleader and as the representation of the petitioner is pending consideration before the 2nd respondent, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the 2nd respondent to verify the representation, dated 25.07.2018, said to have been submitted by the petitioner herein and pass appropriate Orders/take appropriate action, strictly in accordance with law, as per the provisions of the Police Standing Orders 601, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this Order.

7. As a sequel thereto, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.Sesha Sai, J

Date:29.11.2018
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