

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.45836 of 2018

ORDER:

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

2. Opening of a suspect-sheet bearing No.77/2014, dated 07.01.2014, on the file of the 3rd respondent/Station House Officer, V-Town Police Station, Nellore, is under challenge in the present Writ Petition. The petitioner herein claims to be a native of Nellore hailing from an agricultural family. According to the petitioner, earlier, two criminal cases were registered against him. It is further stated that C.C.No.479 of 2013 on the file of the V-Additional Junior Civil Judge, Nellore, which was registered for the alleged offences under Sections 479 and 411 of I.P.C., ended in acquittal by way of judgment dated 31.10.2014 and the same became final. C.C.No.365/2016 on the file of the V-Additional Judicial Magistrate of First Class, Nellore, registered for the offence under Section 379 I.P.C., also ended in acquittal on 08.04.2017 by way of compromise in Lok Adalat Bench, Nellore.

3. According to the learned Counsel for the petitioner, since both the criminal cases, registered against the petitioner herein, ended in acquittal and as there is no crime pending against the petitioner, the very continuation of the suspect-sheet opened against the petitioner herein on 07.01.2014 is unsustainable and untenable and tantamounts to violation of Articles 14 and 21 of the Constitution of India.

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 the petitioner herein is not entitled to any indulgence under Article 226 of the Constitution of India.

5. Opening of a rowdy-sheet/suspect-sheet cannot be done in a routine and casual manner and as the provisions relating to the same are penal in nature, strict adherence to the relevant provisions of law is essential.

6. Having regard to the submissions of the 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 a representation before the 2nd respondent for redressal of his grievance, within a period of ten days from the date of receipt of a copy of this Order. If any such representation is made by the petitioner herein, the same be considered and appropriate Orders be passed/appropriate action be taken, strictly in accordance with law, within a period of four weeks thereafter.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed. No order as to costs.

JUSTICE A.V.SESHA SAI

Date: 17.12.2018
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