

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.6778 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“.... to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in opening and maintaining rowdy sheet against the petitioner as illegal, arbitrary and in violation of Articles 14, 19 (1) (e) and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.”

Heard the learned counsel for the petitioner, the learned Government Pleader for Home for respondents and perused the record.

Learned counsel for the petitioner would contend that though the criminal cases foisted against the petitioner were ended in acquittal long back, the authorities concerned did not close the rowdy sheet opened against him. He also contended that the petitioner made a representation to the Deputy Commissioner of Police on 18.02.2019, but no action has been taken yet. Learned counsel for the petitioner has relied on a decision of this Court in *K.Suresh Babu v. Superintendent of Police, Anantapur District, Anantapur and another*¹.

There is no dispute with regard to the prosecution of the petitioner in two criminal cases, viz., S.C.Nos.352 of 2010 and 57 of 2012. The petitioner was prosecuted for the offences punishable under Sections 147, 148, 324, 307, 427, 452 and 354 read with 149 of IPC in S.C.No.352 of 2010 on the file of the III Additional Metropolitan Sessions Judge, Hyderabad and was acquitted *vide* judgment dated 20.02.2014. The petitioner was also prosecuted

¹ 2016(1) ALD (CrL.) 210

for the offences punishable under Sections 147, 148, 324, 326, 307, 341, 353, 201 read with 149 and 120B of IPC and Sections 25, 27(2) and 30 of Arms Act in S.C.No.57 of 2012 on the file of the Additional Metropolitan Sessions Judge for trial of Communal Offence Cases-cum-VII Additional Metropolitan Sessions Judge, Hyderabad and was acquitted *vide* judgment dated 29.06.2017. So, as on today, no single criminal case is pending against the petitioner. The acquittal recorded in the above two criminal cases is also not in dispute. Further, there is no dispute with regard to the petitioner making a representation dated 18.02.2019 to the Deputy Commissioner of Police to examine the issues and close the rowdy sheet against him. In *K.Suresh Babu's* case (supra), certain guidelines, observations as well as the rules with regard to Standing Order 742 relating to the rowdies were elaborately discussed.

In the given circumstances, respondent Nos.2 and 3 are directed to examine the representation made by the petitioner dated 18.02.2019 and dispose of the same, in the light of the observations and findings recorded in *K.Suresh Babu's* case (supra), within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

No costs.

DR. SHAMEEM AKTHER, J

Date: 22.04.2019

Note: Registry is directed to enclose the copy of judgment in *K.Suresh Babu's* case to this order.

(B/o)
ssp

