

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.13158, 13019 AND 13023 OF 2019

COMMON ORDER:

The cause in the Writ Petition is common; hence the same are being disposed of by this common order.

These Writ Petitions are filed being aggrieved by the action of the 2nd respondent in opening a rowdy sheet in the 5th respondent police station against each of the petitioner as being in violation of Articles 14 and 21 of the Constitution of India and with a consequential prayer to close the rowdy sheet.

Heard Learned Counsel for the petitioner and Learned Assistant Government Pleader for Home. Counter-affidavit on behalf of respondents is filed denying the allegations.

Learned Counsel for the petitioner would submit that there is only one criminal case filed against the petitioner(s) registered as Crime No.205 of 2014 under Sections 147, 148, 307 read with Section 149 of IPC wherein a charge sheet has been filed vide S.C. No.65 of 2018 and is pending trial. Learned Counsel for the petitioner submits that merely on the involvement of the petitioner in one case, would not confer power on the police authorities to open a rowdy sheet against the petitioner and such action on the part of the 2nd respondent is contrary to the A.P. Police Standing Orders and

also contrary to the dicta laid down by this Court including Writ Petition in **Sadath Ali v. The Commissioner of Police, Hyderabad**¹.

On the other hand, the Learned Government Pleader for Home on the basis of the counter filed seeks to sustain the order of the 2nd respondent.

Having regard to the submissions made, the issue that falls for consideration in these writ petitions is as to whether the authorities are empowered to open a rowdy sheet against a person merely on the basis of his involvement in a single crime.

The said issue falling for consideration in these writ petitions is no longer *res integra*.

This Court in **Umesh Singhaniya v. The Commissioner of Police, Hyderabad**² considering the Police Standing Order No.602-1 relating to the opening of a rowdy sheet was pleased to observe as under:

“From a comprehensive reading of the contents of the aforesaid Standing Order, it is clear that merely on the allegation of involvement of petitioner in a single crime, respondents are not empowered to open a rowdy sheet. It is also a settled law that on the allegation of involvement of petitioner in a single crime, he cannot be termed as a habitual offender.”

¹ Order in W.P. No.19194 of 2012 dated 24.08.2015

² 2013 (3) ALT 146

Further, this Court in **Sadath Ali** (1 supra) has elaborately considered the provisions once again by taking note of the various decisions on the subject. This Court, after considering the various judgments and the provisions of A.P. Police Standing Orders was pleased to hold that in order for opening a rowdy sheet against a person on his involvement in crime was pleased to observe as under:

“The inescapable fact glaring from the record is that at the time the rowdy sheet was opened in the name of the petitioner in June, 2009, only two cases were registered against him. Thus, the requirement of involvement in at least more than two cases for inferring that he was a habitual offender was not established. The opening of the rowdy sheet in the name of the petitioner was therefore tainted in law in its very inception. Continuance of the said rowdy sheet by the police authorities ignoring the law laid down by this Court therefore cannot be sustained.”

Learned Government Pleader for Home does not dispute the above preposition of law as laid down by this Court and has not shown any decision to the contrary.

Having regard to the above judgments of this Court in **Sadath Ali** (1 supra) and **Umesh Singhaniya** (2 supra) and the facts of this case, admittedly since there is only one crime that has been registered against the petitioner as stated in the counter, the petitioner cannot be said to be habitual offender. Once, having come to the said conclusion, the opening of rowdy sheet by the 2nd respondent in the 5th respondent police station on the basis of involvement of the

petitioner in single crime cannot be sustained, being contrary to the Police Standing Orders dealing with opening of Rowdy sheet and is liable to be set aside.

Accordingly, these writ petitions are allowed. The respondents are directed to close the rowdy sheet being maintained in the name of the petitioner on the file of Chandrayangutta police station, Hyderabad.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Date: 22.11.2019.
MRKR

T. VINOD KUMAR, J

