

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.33180 of 2016

ORDER:

This writ petition is filed by the petitioner questioning the action of the respondents in not closing rowdy sheet opened against him on the file of Bollarum Police Station-respondent No.3, despite receiving his representation dated 27.01.2016 and reminder dated 08.02.2016.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondent Nos.1 to 3.

The grievance of the petitioner is that a rowdy sheet has been opened on 21.01.2013 against him in Bollarum Police Station based on a single compliant in Crime No.85 of 2012 for the offence punishable under Section 436 of the Indian Penal Code, which ultimately resulted in acquittal by the Additional Metropolitan Sessions Judge for trial of Communal Offence Cases-cum-VII Additional Metropolitan Sessions Judge, Hyderabad, vide judgment dated 01.10.2015 in Sessions Case No.355 of 2014 and thereafter despite his representation dated 27.01.2016 and the reminder dated 08.02.2016, the police have not closed the rowdy sheet against him.

A counter affidavit has been filed by respondent No.3, wherein it is stated that Crime No.85 of 2012 was registered

in Bollaram Police Station against the petitioner under Section 436 IPC read with Section 153 (A) of Cr.P.C., which resulted in acquittal, as stated above.

The learned Assistant Government Pleader for Home submits that the main intention of the petitioner is to get the rowdy sheet closed against him so that he would continue his unlawful activities and as such no indulgence by this Court is required to be shown.

Insofar as opening of a rowdy sheet is concerned, the learned counsel for the petitioner drew the attention of this Court to the judgment reported in ***M. Malla Reddy v. State of Telangana and others***¹ wherein this Court had gone into the details as to when a rowdy sheet can be opened and continued. This Court in the said decision had considered in detail the relevant provision for the purpose of adjudication of the issue and by referring to the A.P. Police Standing Order-601 had indicated in what circumstances, a rowdy sheet can be opened. The Hon'ble Court further observed that except in cases which are covered by the exceptions provided under the said Standing Orders, for a mere single offence, the authorities are not empowered to open a rowdy sheet. He also submitted that persons who habitually commit, attempt to commit or abet the commission of offence involving a

¹ 2016 (1) ALD (CrI.) 591

breach of the peace, disturbance to public order and security, a rowdy sheet can be opened.

In the present case, since the offence with which the petitioner is charged is under Section 153 Cr.P.C., which is one of the exceptions carved out for opening of a rowdy sheet, the contention of the petitioner that for a single offence, rowdy sheet cannot be opened does not merit consideration. However, considering the fact that the said complaint which resulted in a case being registered as Sessions Case No.355 of 2014 and ended in acquittal on 01.10.2015 and no other cases are pending against the petitioner as per the counter of respondent No.3, interference of this Court is called for, as there is no requirement to continue the rowdy sheet opened against the petitioner on 22.01.2013. Therefore, the rowdy sheet opened against the petitioner is liable to be quashed.

Accordingly, the writ petition is allowed and the rowdy sheet opened against the petitioner is hereby quashed. However, there shall be no order as to costs.

Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 25.09.2019
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