

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20975 of 2018

Srinivasan

... Petitioner

Vs.

1.The Inspector of Police,
Mangadu Police Station,
Chennai Police.

2.The Deputy Superintendent of Police,
Ambattur Range,
Chennai Police.

3.The Commissioner of Police,
Chennai City.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Nos.1 to 3 to remove the name of the petitioner from the rowdy list or history sheet maintained by the first and second respondents.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent Nos.1 to 3 to remove the name of the petitioner from the rowdy list or history sheet maintained by the first and second respondents.

2.The contention of the petitioner is that during the year 2013, the petitioner was proceeding in his two wheeler along

with his friend two persons had stopped his vehicle near Muthukumaran Medical College and made a check on the documents of the motor bike. The petitioner was having the photograph copy of the original documents and the original documents were kept in his home. Thereafter, there was a exchange of words between them. The petitioner had left the place. Later the petitioner came to know that the above said two persons were attached to Mangadu Police Station. But on the very next day a case in Crime No.28 of 2013 was registered by the first respondent against the petitioner and the pillion rider for alleged offence under Sections 294(b), 332 and 506 (i) IPC. The petitioner and another had filed an anticipatory bail petition before this Court in Crl.O.P.No.683 of 2013 and this Court by an order dated 10.01.2013, granted anticipatory bail to them and the case was charge sheeted.

3.Further the learned counsel for the petitioner contended that the petitioner and the other accused had appeared before the District Munsif cum Judicial Magistrate Court, Sriperumbathur and the petitioner had admitted the offence and pleaded guilty. The District Munsif cum Judicial Magistrate, by an order dated 18.11.2013, convicted the accused and imposed a fine of Rs.1,100/-. Thereafter, the petitioner had been living peacefully. Surprisingly, during the year 2014, the petitioner was served with a show cause notice under Section 110 Cr.P.C. dated 30.11.2014 and the petitioner is directed to give an explanation and the petitioner was arrested by the first respondent in Crime No.1526 of 2014 and was released on executing a bond before the second respondent.

4.Again in the year 2015, the petitioner was summoned and directed to execute a bond for good behaviour. Even without committing any offence, the petitioner was being repeatedly called upon by the first respondent and on enquiry the petitioner was informed that a History Sheet has been opened against him and he had been given the title of a "Rowdy" by the first respondent under the orders of the second respondent. The first respondent once again arrested the petitioner on 28.06.2016, as a preventive measure in Crime No.1306 of 2016 under Section 7(1) (A) CLA Act and he came out on bail after incarceration. Thereafter the petitioner had made a representation to the second respondent on 14.07.2016, seeking removal of his name from the history sheet, since there was no response from the respondents, the petitioner had approached this court and filed a petition in Crl.O.P.No.17747 of 2017 and this Court by an order dated 14.09.2017, directed the second respondent i.e. the Deputy Superintendent of Police, Ambattur Range, Chennai, to consider the petitioner's representation of

the petitioner dated 14.07.2016 and to pass appropriate orders. Thereafter, the petitioner had sent a reminder on 15.05.2018, but there is no response from the respondents. Therefore, the petitioner had sent another representation on 10.08.2018, to remove his name from the history sheet and hence the above petition.

5.The learned Additional Public Prosecutor appearing for the respondents would submit that the petitioner is a regular offender and involved himself in Crime No.28 of 2013 was registered for the offence under Section 294(b), 332 and 506 (i) IPC, for threatening the police men of the Mangadu Police Station. Though the petitioner had obtained anticipatory bail in this case and later admitted the offence and pleaded guilty before the District Munsif cum Judicial Magistrate Court, Sriperumbathur. Thereafter, the petitioner was served with a show cause notice under Section 110 Cr.P.C. dated 30.11.2014 and the petitioner was arrested by the first respondent in Crime No.1526 of 2014 and was released on executing a bond before the second respondent. During the bond period the petitioner had again involved himself in another case in Crime No.1306 of 2016 under Section 7(1) (A) CLA Act and he came out on bail after incarceration. The petitioner is an habitual offender and on the antecedents and have considered the criminal background of th petitioner, the petitioner's name was entered in the history sheet register and the petitioner is a history sheet rowdy. The petitioner's representation was considered and rejected by the respondents.

6.Considering the rival submissions and on perusal of the materials, it is seen that as per the Police Standing Order 747, the history sheet shall be opened automatically at the time of conviction for persons convicted under Sections 109 and 110 Cr.P.C. and shall be retained for two years after release from jail. Further, this Court had already given instruction in the case of Manivannan /Vs/ State rep. by the District Collector, Coimbatore reported in 2013 7 MLJ 501 for giving guidelines how the history sheet can be opened and thereafter the procedure for removal and closure of the history sheet. The Police Standing Orders 746 to 748 deals with the same.

7.In view of the same, this Court directs the respondents, who had obtained the history sheet against the petitioner to follow the guidelines of the Police Standing Order prescribed by this Court in the case of Manivannan /Vs/ State rep. by the District Collector, Coimbatore and also directs the respondents to consider and pass appropriate orders on the representation submitted by the petitioner.

8.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

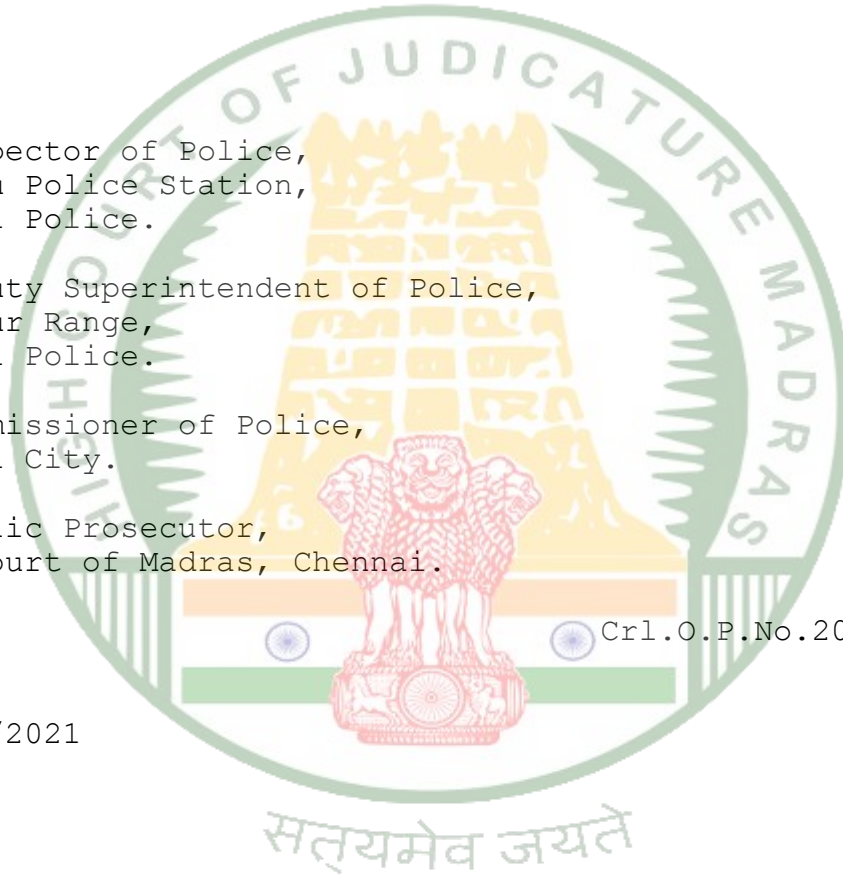
vv/ah

To

- 1.The Inspector of Police,
Mangadu Police Station,
Chennai Police.
- 2.The Deputy Superintendent of Police,
Ambattur Range,
Chennai Police.
- 3.The Commissioner of Police,
Chennai City.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.

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