HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 15849 OF 2020

Between:

Thatipamula Sai Teja Goud, S/o. Late Ashok, Age 22 years, Occ: Business, R/o. H.No. 10-5-717, Sai Nagar, Tukkaramgate, Secunderabad, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Home Department Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad District at Hyderabad.
3. The Assistant Commissioner of Police, Gopalapuram Division, North Zone, At Secunderabad.
4. The Station House, Tukaramgate, Secunderabad, Hyderabad, District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the Respondent No.4 in continuing the rowdy sheet against the Petitioner in Tukkaramgate Police Station is illegal, arbitrary unconstitutional and violation of Article 14 and 21 of the Constitution of India and consequently direct the 4th Respondent herein to close the rowdy sheet against the Petitioner in Tukkaramgate police station.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th Respondent herein not to call the petitioner to the police station or in any manner interfere with his personal life and liberty, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI MEESALA VINOD KUMAR

Counsel for the Respondents: AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.15849 OF 2020

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for the respondents.

2. Petitioner claims to be doing business. He alleges that the people belonging to rival political parties in the locality unable to digest the good name and fame of the petitioner foisted false case against him. In C.C.No.262 of 2019 petitioner was shown as accused No.3 and in C.C.No.3490 of 2019 he is shown as accused. Both the C.Cs., were settled before the Lok Adalat on 14.12.2019. Petitioner alleges that on the ground that two crimes were registered against him, rowdy sheet was opened and even after his acquittal, rowdy sheet is continued.

3. In the counter affidavit, the respondents assert that petitioner was involved in five crimes. In Crime No.242 of 2018, after investigation, charge sheet was filed and the trial Court took cognizance of the offence and petitioner was facing trial in C.C.No.262 of 2019 on the file of XXII Additional Chief Metropolitan Magistrate, Secunderabad. Another Crime No.131 of 2019 was also registered against the petitioner. After conducting investigation, final report was filed. The trial Court took cognizance of the offence and petitioner was facing trial in C.C.No.3348 of 2019 in the Court of XXII Additional Chief Metropolitan Magistrate at Secunderabad. In addition to this, there were two petty cases registered against the petitioner on

11.08.2017 and 17.01.2018. Further, in Crime No.54 of 2019, the Mandal Executive Magistrate passed orders binding over by the petitioner for good conduct.

4. Based on these averments, learned Assistant Government Pleader for Home sought to contend that petitioner is a known offender and surveillance is required to ensure that he does not indulge in further crimes. He further submits that petitioner is young and energetic and unless surveillance is kept, there would be grave danger to law and order.

5. Learned counsel for the petitioner does not dispute the factum of pendency of C.C.No.3348 of 2019 for trial. He sought to contend that on a petty offence, rowdy sheet need not be continued.

6. Having regard to the fact that petitioner was involved in 5 to 6 crimes and as of now, he is facing trial, *per se*, it cannot be said that opening of rowdy sheet and continuing is illegal warranting interference by this Court at this stage.

7. However, as petitioner contends that what is alleged in C.C.No.3348 of 2019 is only a minor offence and does not require opening of rowdy sheet, liberty is granted to the petitioner to make an application before the Assistant Commissioner of Police to review further continuation of rowdy sheet opened against him.

8. In view of the same, the writ petition is disposed of granting liberty to the petitioner to make an application before the Assistant Commissioner of Police, North Zone, Mahankali Police Station, Secunderabad. If such application is filed by the petitioner, the

respondent – police shall review further continuation of rowdy sheet opened against the petitioner within two weeks from the date of receipt of such application. It is open to the petitioner to submit all the orders of the Court granting acquittal of the offences in which he was earlier shown as accused along with the application for review of the decision to continue the rowdy sheet. Miscellaneous petitions, if any pending, stand closed.

SD/- B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad District at Hyderabad.
3. The Assistant Commissioner of Police, Gopalapuram Division, North Zone, At Secunderabad,
4. The Station House, Tukaramgate, Secunderabad, Hyderabad, District.
5. One CC to Sri Meesala Vinod Kumar, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP

HIGH COURT

DATED:16/12/2020



ORDER

WP.No.15849 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(9)
28/12/20