

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11837 of 2014

ORDER:

The petitioner challenges the continuation of rowdy sheet opened against him in 2013; with a further prayer to direct the respondents to consider his application dated 18.03.2014 for closure of rowdy sheet.

Heard Sri K. Sai Krishna Mohan Rao, learned counsel for the petitioner, and Sri Rama Mohan, learned Assistant Government Pleader appearing on behalf of the learned Government Pleader for Home.

In the counter affidavit filed by respondent No.4, it is stated that the petitioner was involved in Crime No.194/2012 under Sections 147, 148, 302, 307, 120(b) IPC read with 149 IPC of Marredpally Police Station, which is pending before the VI Metropolitan Sessions Judge, Secunderabad, in Sessions Case No.21 of 2017. The petitioner was arrayed as accused No.9. Further instructions furnished on 15.11.2019 and 17.12.2019 by the Sub Inspector of Police, Marredpally Police Station, Secunderabad, would show that cases were registered against the petitioner in Crime Nos.71/2014, 237/2015, 239/2016, 250/2017 and 171/2018, all under Section 41(a) and 107 Cr.P.C and the petitioner was bound over. It is further stated that the petitioner is active, young and energetic and associate of notorious rowdy-sheeter C. Krishna Yadav @ Golla Kittu, and committing breach of peace and tranquility. In those circumstances, the rowdy sheet would be required to be continued as they are required to keep a watch on the petitioner.

As can be seen from the counter affidavit, except the allegation that the petitioner is involved in Sessions Case No.21/2017 which is pending before the Sessions Court, there is no other allegation against the petitioner as to his involvement in any other offences. One factor which is required to be considered is that the petitioner is a Government servant working in the State Government, aged about 43 years on the date of filing of writ petition, and as on today he is about 48 years old.

Even assuming for the sake of argument that the petitioner is being prosecuted for his alleged involvement in Sessions Case No.21/2017 before the Sessions Court, however, a single, solitary incident of alleged involvement of the petitioner would not in any way justify continuation of rowdy sheet for eternity; especially when there is no allegation against the petitioner with regard to involvement in a crime during the last five years or earlier to the registration of the crime in Sessions Case No.21/2017.

The law is well settled with respect to opening of rowdy sheet, and continuation of the same, and the same has been extensively referred to by this Court in the judgment of this Court in **Makala Pullaiah v. State of Andhra Pradesh**¹ particularly taking note of the procedure governing the opening and continuation of rowdy sheet, as noted by the earlier judgment in **Mohammed Quadeer v. Commissioner of Police**².

¹ 2018 (1) ALD (CrI.) 115

² 1999 (3) ALD 60

This Court while disposing of **Makala Pullaiah** case, observed at paragraphs 8, 9 and 10 as under:

“8. Further, this Court in K. Suresh Babu v. Superintendent of Police, Anantapur District, 2016 (1) ALD (CrI.) 210 = 2015 (6) ALT 556, following the earlier decisions in Kamma Bapuji v. Station House Officer, Brahmasamudram, 1997 (6) ALD 583 and Puttagunta Pasi v. Commissioner of Police, Vijayawada, 1998 (3) ALT 55 (DB), had held that opening of a rowdy sheet in the name of the petitioner on the basis of his involvement in a solitary criminal case was not sufficient to term him a habitual offender under Clause (A) of Order 601.

9. Applying the above case law to the facts of the present case, notwithstanding the assertion of the respondent police that the petitioner is a habitual offender and involved in various case, even if the same were to be accepted, in view of the fact that the cases wherein the petitioner was involved, do not fall within the specified categories mentioned in Standing Orders 601 and 742, the writ petition deserves to be allowed.

10. Keeping in view of the principles laid down in the above judgments, the representations of the petitioner shall be considered and pass appropriate orders, deciding whether the rowdy sheet opened against him is required to be considered or not, within a period of four weeks from the date of receipt of a copy of this order.”

Accordingly, the present writ petition is disposed of with a direction to the 2nd respondent to dispose of the representation of the petitioner, dated 18.03.2014, keeping in view the principles laid down above, within a period of two weeks from the date of receipt of a copy of this order. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

17th February, 2020

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