



Writ Petition No.24272 of 2016

petitioner and the same was also ended in his favour. Even now, the respondents are threatening and harassing the petitioner and asking him to come to Police Station.

3. The grievance of the petitioner is that the petitioner has never been convicted for the offences under Sections 395 to 402 and 392 to 394. In such circumstances, opening of the history sheet and branded him as a rowdy, is legally not correct. Hence, the petitioner sent a representation, dated 4/7/2016 requesting the respondents to remove his name from the list of History Sheet Rowdy. Since, the same has not been considered so far, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

4. Heard Mr.D.Rajagopal, learned counsel for the petitioner and Mr.J.Subbiah, learned Government Advocate (Criminal Side) for the respondents.

5. The learned Government Advocate (Criminal Side) submitted that though this Court in W.P. [MD] No.21040 of 2018 by an Order dated 03.07.2022 has held that



[i] the History Sheet cannot be retained merely on the ground that [a] the investigation agency has not filed any Final Report or [b] where the case is pending trial beyond two years time as provided.

[ii] The History Sheet cannot be retained for a period of more than two years unless a fresh case is registered [which may be either under investigation or pending trial in the Court], subsequent to the case/cases, which necessitated opening of the History Sheet.

[iii] Where no subsequent case is registered, a former convict should not be treated as a suspect, however, as per the Standing Order No.2 of 2017, dated 06.07.2017 regarding opening and maintaining History Sheets in the Police Station, Addendum has been issued.

6. I have perused entire materials.

7. The Hon'ble Division Bench of this Court passed series of directions to the effect that history sheets cannot be retained mainly on the ground that investigation agency has not filed any Final Report and the case is pending trial beyond two years time. Similarly, for a period of more than two years, unless a fresh case is registered [which may be either under investigation or



Writ Petition No.24272 of 2016

pending trial in the Court], subsequent to the case/cases, which necessitated opening of the History Sheet, the history sheet cannot be retained. When no subsequent case is registered, a former convict should not be treated as a suspect.

8. From the materials available on record, it could be deduced that representation of the petitioner, dated 4/7/2016 has not been considered so far. Hence, the petitioner is directed to submit a fresh representation to the respondents, within a period of two weeks from today. On such representation being made, the respondents are directed to consider the representation of the petitioner and dispose of the same, on merits and in accordance with law, as expeditiously as possible.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

28/11/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J

mvs.

To

1. The Commissioner of Police
Chennai City, Veppery
Chennai.
2. The Deputy Commissioner of Police
(North Chennai)
Vannaapettai
Chennai.
3. The Assistant Commissioner of Police
(Royapuram Range)
North Chennai
North.
4. The Inspector of Police
N 2 Kasimedu Police Station
Chennai.

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28/11/2022