

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

**FRIDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 43422 OF 2022

Between:

P. Yadagiri Rao, S/o. Late. P. Balakrishna, Aged about- 48 years, Om Business,
R/o. H. No. 9-61, HMT Nagar, Street No. 4 A, Nacharam, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat Buildings Hyderabad, Telangana State
2. The Commissioner of Police, Rachakonda Commissionerate.
3. The Asst. Commissioner of Police, Malkajgir Sub-Division, Rachakonda Commissionerate.
4. The Station House Officer, Nacharam Police Station, Rachakonda Commissionerate.

...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 any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No. 4 in opening Rowdy Sheet against the Petitioner, without following due process of law is as illegal, arbitrary and against the principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India, besides violation of this Hon'ble Court directions and consequently direct the Respondents to close the Rowdy Sheet against the Petitioner pending before the Respondent No. 4 and not to interfere into the Petitioner's life and liberty in the interest of justice.

IA NO: 1 OF 2022

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 Respondents to revoke / close the Rowdy Sheet against the Petitioner pending before the Respondent No.4, and not to interfere into life and liberty as

well as day to day affairs of the Petitioner, pending disposal of main writ petition in the interest of justice.

Counsel for the Petitioner: SRI. PRADEEP KUMAR SRIRAMBHATLA

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.43422 of 2022

ORDER:

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

2. Learned counsel for the petitioner submitted that rowdy sheet was opened against the petitioner in the year 2000, as he was involved in four criminal cases. All the said cases ended in acquittal. As such, rowdy sheet opened against the petitioner was closed vide proceedings No.21/D1/CCRB/04 dated 29.06.2004 of the Commissioner, Hyderabad.

3. In the counter filed by the respondent No.3, it is stated that after closure of the rowdy sheet, the petitioner indulged in criminal activities and a case in Cr.No.189 of 2010 was registered for the offences under Sections 419, 420, 384 and 506 IPC. As the petitioner was indulging in offences, the rowdy sheet closed against the petitioner was reopened on 06.08.2010. Thereafter, the petitioner was involved in following two cases:

- 1) Cr.No.8/ACB-CIU-HYD/2012 dated 9.6.2012 for the offence under Sections 120-B, 34, 109 and 219 IPC, Sections 89 and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 on the file of C.I.U, ACB, Hyderabad. After conducting investigation, charge sheet was filed and it was numbered as C.C.No.12/2012 and it is pending trial.

- 2) Cr.No.512/2020 for the offences under Sections 447, 427, 506 of IPC of Nacharam P.S. After conducting investigation, charge sheet was filed and it was numbered as C.C.No.480/2021 and it is pending trial.

It is admitted in the counter that as of now the petitioner is involved in only two cases.

4. As per the decision of this Court in **MAJID BABU v. HOME SECRETARY, GOVERNMENT OF ANDHRA PRADESH**¹ it was held that two instances of involvement in criminal cases would not make a person a 'habitual offender' and that at least more than two instances should be present before a person can be described as a habitual offender. Thus, the requirement of involvement in at least more than two cases for inferring the petitioner as habitual offender is not established in this case. Thus, continuance of rowdy sheet against the petitioner is unsustainable.

5. In view of the above, the writ petition is allowed and the respondents are directed to forthwith close the rowdy sheet opened against the petitioner. Liberty is given to the respondent-police to open rowdy sheet, if the petitioner is involved in more than two criminal cases and if the conditions prescribed in the Police Standing Order No.601 are attracted.

¹ (1987) 2 ALT 904

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

SD/-T.TIRUMALA DEVI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department The State of Telangana
Secretariat Buildings Hyderabad, Telangana State
2. The Commissioner of Police, Rachakonda Commissionerate.
3. The Asst. Commissioner of Police, Malkajgir Sub-Division, Rachakonda
Commissionerate.
4. The Station House Officer, Nacharam Police Station, Rachakonda
Commissionerate.
5. One CC to Sri. Pradeep Kumar Srirambhatla, Advocate [OPUC]
6. Two CCs to GP for Home ,High Court for the State of Telangana. [OUT]
7. Two CD Copies

T J

SB

HIGH COURT

DATED:23/12/2022



ORDER

WP.No.43422 of 2022

ALLOWING THE DWRIT PETITION
WITHOUT COSTS.

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[Handwritten signature and date 29/12/2022]