

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.2438 of 2012

Date : 29.02.2012

Between :

Mr. B.Naveen Nischal.

.....Petitioner

And

The Station House Officer, I-Town Police
Station, Hindupur & others.

.....Respondents

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.2438 of 2012

ORDER :

In this writ petition, petitioner seeks directions by way of Mandamus, declaring the action of respondents 1 and 2 in opening and continuing the rowdy sheet bearing No.311 on the file of I-Town Police Station, Hindupur, as illegal and arbitrary, with consequential directions to the respondents to close the said rowdy sheet.

It is the case of the petitioner that he is an agriculturist and is a resident of Hindupur in Anantapur District. In this writ petition, it is the grievance of the petitioner that as he is a social activist and contested for assembly as an independent candidate, by involving him in false cases, a rowdy sheet is opened against him. It is stated that when the rowdy sheet was opened, the petitioner approached this Court by filing a writ petition in W.P.No.19323 of 2002, which was allowed, directing the respondents to close the rowdy sheet. It is further stated that when the orders passed by this Court were not complied with, he filed a contempt case in C.C.No.834 of 2003, and during the pendency of the said contempt case, the rowdy sheet was closed. In view of the compliance of directions of this Court in W.P.No.19323 of 2002, the above contempt case was disposed of on 20th of October 2003.

In this writ petition, it is submitted by the learned

counsel for petitioner that all the crimes which were registered against the petitioner, were prior to 2004, and in all the cases, the petitioner was acquitted after trial by the competent Courts. It is submitted that even in the two crimes registered after 2004 i.e. Crime No.43 of 2009, registered on the file of II-Town Police Station, Hindupur for the offences under Sections 147, 148, 307, 324 r/w.149 IPC, the petitioner was tried in Sessions Case No.462 of 2010, which ended in acquittal. Another crime in Crime No.67 of 2009 registered under Section 188 of IPC and Section 131(2) of the Representation of Peoples Act on the file of Hindupur I-Town Police Station, is pending trial. It is submitted that though the petitioner is not involved in any crimes during the years 2010 and 2011, the rowdy sheet opened against him, is being continued without any reason.

The Inspector of Police, Hindupur I-Town Police Station has filed counter affidavit. In the counter, while denying the allegations made by the petitioner, it is stated that the petitioner was involved in the following crimes:

1. Petty Case No.1175/1991, U/sec.290 IPC, at Hindupur I-Town Police Station.
2. Cr.No.57/1991, U/secs.147, 448, 354, 379 r/w.34 IPC, at Hindupur II-town Police Station.
3. Cr.No.49/1996, U/secs.147, 148, 324, 307 r/w.34 IPC, at Hindupur II-Town Police Station.
4. Cr.No.53/1998, U/secs.147, 324 r/w.149 IPC, at

Hindupur Rural Police Station.

5. Cr.No.39/2003, U/secs.147, 148, 427, 379, 436 r/w.149 IPC, at Parigi Police Station.
6. Cr.No.40/2003, U/secs.147, 148, 427, 379, 436 r/w.149 IPC, at Parigi Police Station.
7. Cr.No.113/2003, U/secs.147, 148, 324, 427, 448, 507, 302, 109 r/w.149 IPC at Hindupur I-Town Police Station.
8. Cr.No.36/2004, U/secs.147, 148, 324, 326, 506, 394 r/w.149 IPC and Section 145 of Indian Railways Act and Section 25 of Arms Act, at Hindupur Railway Police Station.

It is further stated in the counter that in all the aforesaid crimes, the petitioner was acquitted after trial by the competent Courts. It is stated that in view of involvement of petitioner in further crimes, it has become imperative to open the rowdy sheet against him.

The petitioner has filed a copy of the order passed by this Court in earlier writ petition in W.P.No.19323 of 2002, which was disposed of on 20th December 2002, directing closure of rowdy sheet opened against him. The order passed in C.C.No.834 of 2003 is also filed by the petitioner. The said contempt case was closed, when orders were passed during its pendency.

Reference is made to only two crimes, which were registered against the petitioner, subsequent to the orders passed by this Court in W.P.No.19323 of 2002 and

C.C.No.834 of 2003; one is Crime No.43 of 2009, which was registered for the offences under Sections 147, 148, 307, 324 r/w.149 of IPC. In the said crime, the petitioner was tried in Sessions Case No.462 of 2010 on the file of Assistant Sessions Judge, Hindupur, which has ended in acquittal. The other crime registered against the petitioner in Crime No.67 of 2009 is registered under Section 188 of IPC and Section 131(2) of the Representation of Peoples Act, which is pending trial.

When a rowdy sheet is opened against a person as per the Police Standing Orders, the same has to be reviewed periodically by assessing the conduct of such persons. In the absence of registration of any crimes during 2010 and 2011, there appears no reason for continuing the rowdy sheet opened against the petitioner. Though number of crimes were registered against the petitioner, except Crime No.67 of 2009 registered under Section 188 of IPC and Section 131(2) of the Representation of Peoples Act, which is pending trial in C.C.No.112 of 2009 on the file of Judicial First Class Magistrate, Hindupuram, in all other crimes, the petitioner was acquitted. In that view of the matter, this Court is of the view that absolutely there is no reason or justification for continuing the rowdy sheet opened against the petitioner.

For the aforesaid reasons, the rowdy sheet opened against the petitioner in rowdy sheet No.311 on the file of

Hindupur I-Town Police Station, is hereby quashed.
However, if the petitioner involves in any further crimes,
this will not preclude the respondents from opening a
fresh rowdy sheet against him.

Writ petition is accordingly disposed of. No order as
to costs.

R. SUBHASH REDDY, J

29th February 2012

ajr