

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**CONTEMPT CASE No.427 OF 2019**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, apart from perusing the material available on record. It is stated that Dr. Majji Suribabu, learned counsel is not appearing and in his place, Sri B.S.S.Ranjit Kumar has come on record for the petitioner.

2. This is an application filed under Sections 10 to 12 of the Contempt of Courts Act, praying this Court to punish the respondents for alleged disobedience and violation of the order dated 19.02.2018 passed in W.P. No.23984 of 2017.

3. The petitioner herein filed the above mentioned Writ Petition No.23984 of 2017, questioning the action of the respondents in opening the rowdy sheet against him, as illegal, arbitrary and for consequential direction to the respondents to delete his name from the rowdy sheet. This Court, vide order dated 19.02.2018, disposed of the said Writ Petition, leaving it open to the petitioner to make appropriate application to the 2<sup>nd</sup> respondent/Deputy Superintendent of Police, Mangalagiri Rural Police Station, Guntur District, for redressal of his grievance, within a period of two weeks from the said

date and with a further direction to the 2<sup>nd</sup> respondent-Deputy Superintendent of Police to dispose of the same, strictly in accordance with law, within a period of four months thereafter. Alleging violation of the above said order, this Contempt Case came to be filed on 27.06.2019. This Court on 05.07.2019, issued Form-I notice to the 2<sup>nd</sup> respondent and the matter stood posted to 02.08.2019 and one Sri G.Rama Krishna, Deputy Superintendent of Police, Mangalagiri was present and produced a copy of the order dated 31.12.2018. On the said date, this Court directed the 2<sup>nd</sup> respondent to file a full-fledged memo, showing the reasons for the delay in passing the order and also enclose the order to the memo. This Court also dispensed with the presence of Sri G.Rama Krishna, but however, directed to appear his next incumbent officer and to submit an affidavit. Today when the matter is taken up, Sri D.Durga Prasad, the present incumbent officer is present in the Court.

4. A counter affidavit, deposed by Sri G.Rama Krishna, is also filed. Paragraphs 7 and 8 of the said counter affidavit filed by the 2<sup>nd</sup> respondent read as under:

"7. In reply to the allegations made in paragraph No.5 of the Affidavit, I submit that as already stated above I have joined as Sub-Divisional Police Officer, North Sub-Division, Guntur Urban on Dt.10-06-2018 and therefore, I have no

knowledge about the representation dated 23-02-2018 made by the petitioner.

8. In reply to the allegations made in paragraph No.6 of the Affidavit, I submit that as per APPM Order 602-1, the perusal of the rowdy sheets and closing of the rowdy sheets will be considered in the month of December. During the course of considering the said aspect in the month of December, 2018, when my subordinate staff had placed the said case before me, I have gone through the order copy of this Hon'ble Court in WP No.23984 of 2017 and the representations made by the petitioner 23-02-2018 and 30-06-2018, I found that there was delay occurred in this case and immediately complied the order passed by this Hon'ble Court by considering the representations of petitioner, dated 23-02-2018 and 30-06-2018, since in view of the pendency of various cases against the petitioner we have considered his representations and rejected the same by issuing orders vide proceedings C.No.55/BCs/SDPO-NORTH/GNT-(U) 2018, Dt.31-12-2018, the copy of the said order is herewith filed for kind perusal of this Hon'ble Court and that may be read as part and parcel of this affidavit for the purpose of brevity and better appreciation of my case. I also strictly warned my subordinate staff not to repeat such irregularities in processing the files, considering the

representations and no delay should occur next time or else I will take severe action against the staff that do such irregularities."

5. Today, a counter affidavit, deposed by Sri D.Durga Prasad, the present incumbent officer, is also filed, wherein it is stated that he assumed the charge as Sub Divisional Police Officer, Mangalagiri on 22.07.2019 and by that time the representation submitted by the petitioner was already considered and his predecessor in office Sri G.Rama Krishna issued proceedings dated 31.12.2018, rejecting the request of the petitioner for closing the rowdy sheet by taking into consideration of the relevant factors and registration of criminal cases registered against the petitioner herein.

6. It is also brought to the notice of this Court by the learned Government Pleader that questioning the order of rejection dated 31.12.2018, W.P. No.11987 of 2019 is filed.

7. Having regard to the explanation offered by the respondents in their counters, though there is some delay in complying the order, having regard to the reasons mentioned, this Court deems it appropriate to close the Contempt Case. It is also required to be noted as mentioned supra, the petitioner herein had

already filed W.P. No.11987 of 2019, questioning the order dated 31.12.2018.

8. Accordingly, the Contempt Case is closed. There shall be no order as to costs.

Miscellaneous applications, if any pending in this case, shall also stand closed.

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**A.V. SESA SAI, J**

Date: 30.08.2019

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