

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.19861 of 2023

Order:

This Writ Petition is filed to declare the action of the respondent authorities in continuing the suspect sheet against the petitioners herein from 2015 onwards, as illegal and arbitrary.

2. Case of the Writ Petitioners, in brief, is that 1st petitioner was working as Technician in Aquaculture Field in Jai Jagannad Hatcheries, Kakinada for the last 25 years and 2nd petitioner was working as Field Assistant under NREGS Scheme from 2017 onwards. While so, two cases in Crime No.84 of 2015 of Makavarapalem Police Station for the offences punishable under Sections 448, 427, 506, 353 read with 34 IPC and Crime No.132 of 2015 of Makavarapalem Police Station (PRC No.22 of 2016) for the offences punishable under Sections 307, 324 read with 34 IPC were registered against the petitioners herein. The police, by taking advantage of pendency of said cases, opened suspect sheets against them. Hence, they filed the present Writ Petition.

3. A counter affidavit has been filed on behalf of respondent No.3 stating that the petitioners herein are involved in the following cases.

i) Crime No.84 of 2015 of Makavarapalem Police
Station registered for the offences punishable under

Sections 448, 427, 506, 353 read with 34 IPC. After completion of investigation police filed charge sheet vide CC No.387 of 2017 on the file of the learned Additional Judicial Magistrate of First Class, Narsipatnam and the same is pending for trial.

ii) Crime No.132 of 2015 of Makavarapalem Police Station registered for the offences punishable under Sections 307, 324 read with 34 IPC. After completion of investigation, police filed charge sheet vide PRC No.22 of 2016 on the file of the learned Additional Judicial Magistrate of First Class, Narsipatnam, which is committed to the Court of Session and numbered as SC No.104 of 2023.

iii) Crime No.77 of 2013 of Makavarapalem Police Station registered for the offences punishable under Sections 341, 323, 506 read with 34 IPC, which is numbered as CC No.455 of 2013 on the file of the learned Additional Judicial Magistrate of First Class, Narsipatnam.

iv) Crime No.59 of 2016 of Makavarapalem Police Station registered for the offences punishable under Sections 448, 324, 323, 509 read with 34 IPC, which is

numbered as CC No.106 of 2017 on the file of the learned Additional Judicial Magistrate of First Class, Narsipatnam.

v) Crime No.83 of 2015 of Makavarapalem Police Station registered for the offence punishable under Section 107 Cr.P.C., and in this case the petitioners herein were bind over before the Sub-Divisional Executive Magistrate on 30.08.2015.

It is further stated that to curb and curtail the unlawful activities of the petitioners herein in the vicinity, the SHO, Makavarapalem Police Station, opened suspect sheets against the petitioners herein after getting permission from the Sub-Divisional Police Officer, Narsipatnam Sub-Division, Anakapalli district, vide C.No.10/HS/SDPO/NPM/2015 and C.No.11/HS/SDPO/NPM/2015. It is further stated that as per APPM Order No.601, the following persons may be classified as rowdies and rowdy sheets may be opened for them under the orders of the SP/DCP and ACP/SDPO.

“1. Persons, who habitually commit, attempt to commit or abet the commission of offences involving a breach of the peace, disturbances to public order and security.

2. Persons bound over under Sections 106, 107, 108(1) and 110(e) and (g) of Cr.P.C.

3. Persons who have been convicted more than once in two consecutive years under Sections 59 and 70

of the Hyderabad City police Act or under Section 3, Clause 12 of the AP Town Nuisances Act.

4. Persons who habitually tease women and girls and pass indecent remarks including offences under Sections 354-A, B, C and 354-D IPC.

5. Persons who have been charge sheeted under the offence of Rape (376, 376-A, B, C, D and E IPC).

6. Persons who have been charge sheeted under the offences of POCSO Act, 2012 and Acid Attacks (326A and 326B of IPC).

7. Rowdy sheets for the rowdies residing one police station area but found frequenting the other police stations area, can be maintained at all such police stations.

8. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents including 'loan sharks'.

9. Persons who incite, instigate and participate in communal/caste or political riots.

10. Persons detained under the AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 for a period of 6 months or more.

11. Persons on whom charge sheets filed under the offence of assault on public servants, under Arms Act and such other offences punishable with imprisonment of 2 years or more.

12. Persons on whom charge sheets filed under the offence of murder and attempt to murder (302 and 307 IPC).

13. Persons on whom charge sheets filed under the offence of chain snatching.

14. Persons who are convicted under the Representation of People Act, 1951 for rigging, carrying away, damaging ballot paper, boxes and polling material.”

4. Heard. Perused the material on record.

5. On a perusal of Clause 12 of Standing Order No.601 goes to show that rowdy sheets can be opened and continued against whom charge sheets have been filed under the offence of murder and attempt to murder (Sections 302 and 307 IPC). In the case on hand, a charge sheet has been filed against the petitioners herein in PRC No.22 of 2016 on the file of the learned Additional Judicial Magistrate of First Class, Narsipatnam, for the offences punishable under Sections 307, 324 read with 34 IPC, which is committed to the Court of Session and numbered as SC No.104 of 2023. The said case is still pending against the petitioners herein. Since a charge sheet has been filed against the petitioners herein for the offence of attempt to murder (Section 307 IPC) and the said case is still pending, this Court is not inclined to interfere with the impugned proceedings. The Writ Petition is devoid of merit and the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date:26.09.2023

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HON'BLE SRI JUSTICE K. SREENIVASA REDDY

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