



IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

WRIT PETITION No.20881 OF 2021

Between

Avvaru Chandra Mouli @ Chandra,
S/o. Avvaru Venkateswarlu, aged 45 years,
Occ: Tailor, R/o. 7-14-27/2, Srinivasa Nagar,
Near Ramulavari Temple, Perala, Chirala,
Prakasam District

... Petitioner

and

The State of Andhra Pradesh,
Represented by its Principal Secretary,
Home Department, Secretariat,
Velagapudi, Amaravathi, Guntur District
and three others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 15-12-2021

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment may be marked to Law Reports/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

CHEEKATI MANAVENDRANATH ROY, J.



*** THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

+ WRIT PETITION No.20881 OF 2021

% DATE: 15-12-2021

Avvaru Chandra Mouli @ Chandra,
S/o. Avvaru Venkateswarlu, aged 45 years,
Occ: Tailor, R/o. 7-14-27/2, Srinivasa Nagar,
Near Ramulavari Temple, Perala, Chirala,
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... Petitioner

Vs.

\$ The State of Andhra Pradesh,
Represented by its Principal Secretary,
Home Department, Secretariat,
Velagapudi, Amaravathi, Guntur District
and three others

... Respondents

! Counsel for the petitioner

: Sri Akurathi Rama Krishna

^Counsel for respondents

: A.G.P. for Home

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➤ Head Note:

? CASES REFERRED: NIL.

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY****WRIT PETITION No.20881 OF 2021****ORDER:-**

This writ petition is filed for a Mandamus, declaring the action of respondents in opening rowdy sheet and continuing the same, as illegal, irrational and violative of Articles 14 and 21 of the Constitution of India and consequently prayed to quash the said rowdy sheet.

2. The factual matrix of the writ petition may be stated as follows:-

An F.I.R. in Crime No.87 of 2002 was registered against the petitioner by Chirala I Town Police for the offences punishable under Sections 307, 324 r/w 109 of the Indian Penal Code, 1860 (for short "I.P.C."). After completion of investigation, eventually police filed charge sheet against the petitioner in S.C.No.402 of 2002 on the file of learned Assistant Sessions Judge, Chirala of Prakasam District. It is alleged that the trial in the said case was completed and the petitioner was not found guilty for the said offences along with other accused and that the trial Court acquitted the petitioner of the said offences as per the judgment passed to that effect on 20.12.2003. No other case was registered against the petitioner and no criminal case is pending against him. It is stated that the respondent-police opened a rowdy sheet No.43 against the petitioner during the pendency of the said criminal case against him. However, it is stated that even after the petitioner was acquitted in the said criminal case, that the police



did not close the said rowdy sheet and has been continuing the same illegally. It is also stated that police are summoning the petitioner to the police station frequently since the rowdy sheet is pending against him and has been interfering with his personal liberty. Therefore, the petitioner sought for the aforesaid reliefs in the writ petition.

3. In the counter-affidavit filed by the 3rd respondent, while admitting that the petitioner was acquitted in the said case in S.C.No.402 of 2002 on the file of learned Assistant Sessions Judge, Chirala of Prakasam District as per the judgment pronounced on 20.12.2003, it is alleged that about several crimes were registered against the petitioner i.e. (1) Crime No.85/2007 under Section 110(E) Cr.P.C., (2) Crime No.83/2013 under Section 110(E) Cr.P.C., (3) Crime No.32/2014 under Section 110(E) Cr.P.C., (4) Crime No.39/2014 under Section 109 Cr.P.C., (5) Crime No.18/2017 under Section 110(E) Cr.P.C., (6) Crime No.36/2019 under Section 110(E) Cr.P.C., (7) Crime No.139/2019 under Section 151 Cr.P.C., (8) Crime No.51/2020 under Section 110(E) Cr.P.C. and (9) Crime No.228/2020 under Section 110(E) Cr.P.C., as he has been indulging in unlawful activities disturbing the public peace and tranquility and that the Sub-Divisional Police Officer of Chirala Sub-Division issued instructions to the Sub-Inspector of Police of I Town Police Station, Chirala to open rowdy sheet against the petitioner and others and accordingly the rowdy sheet has been opened and thereafter the said rowdy sheet is being continued and renewed from time to time.



4. It is further stated that as per Order No.601 of A.P. Police Manual, rowdy sheets can be opened under the orders of the S.D.P.O. against a person, who habitually commits, attempt to commit or abet the commission of offences involving a breach of peace, disturbances to public order and security and persons bound over under Sections 106, 107, 108(1), 110(e) and 110(g) of Cr.P.C. It is also stated that under Police Standing Order No.602(2), even if a person is not merely figured as accused in the previous five years after the last case in which he was involved it will not preclude the police from continuing the rowdy sheet. Therefore, it is stated that there are no merits in the writ petition and prayed for dismissal of the petition.

5. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Home for respondents 1 to 4.

6. The rowdy sheet in question was opened against the petitioner when a criminal case under Section 307 of I.P.C. was pending against him. Admittedly, the petitioner was acquitted in the said criminal case. However, the rowdy sheet is being continued against him and same is being renewed from time to time even after his acquittal in the said criminal case. The respondent-police seeks to justify the said continuation of the rowdy sheet and renewing the same from time to time even after acquittal of the petitioner from the said criminal case on the ground that the proceedings under Section 107 Cr.P.C. are initiated against the petitioner and that about several cases are pending now against him under Sections 110(e), 109 and 151 of



Cr.P.C. on the ground that he is indulging in activities of disturbing public peace and tranquility.

7. The respondents have invoked the Order No.601 of A.P. Police Manual to continue the rowdy sheet against the petitioner. A perusal of the said Order No.601 of A.P. Police Manual, makes it manifest that only when a person is bound over under Sections 106, 107, 108(1), 110(e) and 110(g) of Cr.P.C., that a rowdy sheet can be opened against him and the same can be continued. In the instant case, admittedly, the petitioner was not bound over under Sections 106, 107, 108(1), 110(e) and 110(g) of Cr.P.C.

8. Learned Assistant Government Pleader for Home fairly concedes that he is not yet bound over as per the orders passed by the Sub-Divisional Magistrate or Executive Magistrate. Only proceedings under Section 107 Cr.P.C. in the above cases are pending against him. Still enquiry has to be conducted under law and ultimately an order is required to be passed by the Sub-Divisional Magistrate/Executive Magistrate as the case may be binding over the petitioner if it is ultimately found that he has been really indulging in any activity of disturbing the public peace and tranquility. Unless such an order is passed binding over the petitioner under the aforesaid provisions, it cannot be held that the petitioner has been indulging in activities of disturbing the public peace and tranquility. Order No.601 of A.P. Police Manual did not stipulate that on the ground of mere



pendency of any such proceedings under Sections 106, 107, 108(1), 110(e) and 110(g) of Cr.P.C. etc., that a rowdy sheet can be opened or continued against a person. All that it is stated is that only when a person is bound over under the aforesaid provisions of law, that the rowdy sheet can be opened and continued.

9. As already noticed supra, as no such order binding over the petitioner under the aforesaid provisions of law, the respondents cannot invoke Order No.601 of A.P. Police Manual to justify their act of continuing the rowdy sheet against the petitioner.

10. Further, the respondents also cannot invoke Standing Order No.602(2) as there is no material on record to substantiate the fact that the petitioner is involved in any such activity which is disturbing the public peace and tranquility and that continuation of rowdy sheet is essential to safeguard the interests of any residents of the locality. Except making a bald assertion to that effect, there is absolutely no material on record to substantiate the said contention. Therefore, the said contention sans any material to substantiate the same cannot be countenanced.

11. Therefore, there are absolutely no valid grounds emanating from the record justifying the continuation of rowdy sheet against the petitioner.

12. Resultantly, this Writ Petition is allowed declaring that the continuation of rowdy sheet against the petitioner as illegal and violative of Article 21 of the Constitution of India. Consequently, the respondents are directed to forthwith close the said rowdy



sheet that was opened against the petitioner. There shall be no order as to costs.

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

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 15-12-2021

Note: L.R. copy to be marked

(B/o)
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.20881 OF 2021

Date : 15-12-2021

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