

IN THE HIGH COURT OF ANDHRA PRADESH::AMARAVATI
(Special Original Jurisdiction)



TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 24858 OF 2023

Between:

1. Mekala Srinu @ Pandu Srinu, S/o Muttaiah, 25 years, SC-Mala, Auto Driver, Gamapalagudem Village, Gamapalagudem Mandal, Krishna Dsitric.
2. Kallem Kishore @ Chanti, S/o Bikhlu, 35 years, SC-Mala, Mustabad Village, Gannavaram Mandal, Now at Gamapalagudem Village, Gamapalagudem Mandal, Krishna Dsitric.
3. Kota Ravi, S/o Gopai, 30 years, SC-Madiga, Auto Driver, Gamapalagudem Village, Gamapalagudem Mandal, Krishna Dsitric.
4. Kota Venkatarama Rao, S/o Gopai, 23 years, SC-Madiga, Truck Auto Driver, Gamapalagudem Village, Gamapalagudem Mandal, Krishna Dsitric.
5. Ailuri Rami Reddy., S/o Nagi Reddy, 32 years, Reddy, Jaggery business, Gamapalagudem Village, Gamapalagudem Mandal, Krishna Dsitric.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department Secretariat, Amaravathi, Andhra Pradesh-522237.
2. The Assistant Commissioner of Police, Mylavaram Divison, ACP Office Mylavaram, Krishna District-521230.
3. The Station House Officer, Gamapalagudem Police Station, Gamapalagudem, Krishna District-521403

...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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the Respondent No.

2 and 3 in registering the Rowdy Sheet and Gang File for the 1st petitioner i.e., Mekala Srinu @ Pandu Srinu as Sheet No. 01/2009, the 2nd petitioner i.e., Kallem Kishore @ Chanti as Sheet No. 02/2009, the 3rd petitioner i.e., Kota Ravi as Sheet No. 04/2009, the 4th petitioner i.e., Kota Venkatarama Rao as Sheet No. 06/2009, the 5th petitioner i.e., Ailuri Rami Reddy as Sheet No. 07/2009, against the petitioners, by mentioning the Cr. No. 58/2005, Under Sections 302, 379, 201, 109, 120 (b) r/w 34 of IPC as per the orders of Addl. DGP, CID, AP, Hyd Vide C.No. 12/DC-DCRB/2009, dated 18.07.2009 is illegal, irregular, arbitrary, unjustified, abuse of process of law and in violation of Article 14 of the Constitution of India, and unsustainable and to direct the Respondent No. 2 and 3 to close the Rowdy sheet against us, the petitioners

IA NO: 1 OF 2023

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 not to insist the petitioners to attend before the Respondent No.3 Gampalagudem police station, basing on Rowdy Sheet and Gang File No. 16/2009 pending disposal of the main writ petition

Counsel for the Petitioners: SRI K V ADITYA CHOWDARY

Counsel for the Respondents No.1 to 3: GP FOR HOME

The Court made the following: Order

APHC010478372023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 24858/2023

Between:

Mekala Srinu @ Pandu Srinu and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.K V ADITYA CHOWDARY

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:

THE HON'BLE SRI JUSTICE HARINATH. N
WRIT PETITION No.24858 of 2023

ORDER :

1. The petitioners are challenging the action on part of the respondents in opening and continuing of rowdy sheet vide C.No.12/DC-DCRB/2009, dated 18.07.2009 against the petitioners.
2. The petitioners were shown as Accused Nos.1, 2, 4, 6 & 7 in S.C.No.61 of 2007 and the petitioners were acquitted vide judgment dated 20.12.2007 by the learned I Additional Sessions Judge, Krishna, Machilipatnam.
3. The learned counsel for the petitioners submits that the respondents have not closed the rowdy sheet though there is no case pending for a period of five years from the date of opening of the rowdy sheet against the petitioners.
4. The learned counsel appearing for the petitioners submits that continuation of rowdy sheet against the petitioners is also a social stigma on the petitioners. It is also submitted that continuation of the rowdy sheet against the petitioners without any valid reason amounts to interfering with the fundamental rights of the petitioners i.e., right to live with dignity and the right guaranteed under Article 19(1)(d).



5. The learned Assistant Government Pleader representing the respondents submits that a counter is filed and that the Police Standing Orders 602(2) clearly mentioned that nothing precludes the SP/DCP/CP from continuing a suspect/rowdy sheet on the sole ground that the suspect/rowdy sheet is not figuring as an accused in the previous five years. It would depend upon the nature of the activities of the suspect/rowdy sheet for continuing the suspect/rowdy sheet to enable peace and tranquility in the society.
6. The learned Assistant Government Pleader appearing for the state does not dispute that there are no cases pending against the petitioners; however submits that the petitioners' activities would require continuous surveillance for the police to maintain the law and order in the state.
7. Heard the learned counsel appearing for the petitioners and the learned Assistant Government Pleader for the state and perused the material on record.
8. The following questions would fall for consideration of these writ petitions ;
 - I. Whether the fundamental right under Article 19(1)(d) of a Citizen is infringed upon on account of continued

surveillance under the guise of opening and continuing rowdy sheet ?

II. The scope of judicial review of rowdy sheet / rowdy sheet on the touchstone of reasonableness, arbitrariness and non-application of mind ?

9. It is also not in dispute that the petitioner(s) was not convicted of any offence(s). The stand taken by the respondents, that the Police Standing Orders would empower the respondents to open suspect sheets/rowdy sheets in order to maintain law and order is not an unfettered right. The Police Standing Orders do not have statutory force. The standing orders are only administrative instructions. It is also not in dispute that the Police Standing Orders which are issued under the Police Act would have statutory force.

10. It is pertinent to refer to Chapter 31 of the A.P. Police Code which contains 24 Standing Orders. They deal with the Station Crime history. Standing Orders 733 to 741 and Standing Order 749 deal with Rowdy sheets. Standing Order 742 deals with rowdy sheets. Standing Orders 733 to 737 relating to rowdy sheets reads as follows :

"S.O. 733. Part V-Rowdy sheets:- Part V consists of Rowdy sheet (Form 87) of persons resident permanently or temporarily in the station limits, who are known or believed to be addicted to or to aid and



abet the commission of crime, whether convicted or not, or who are believed to be habitual receivers.

S.O. 734. Automatic opening of Rowdy sheets: (1) Rowdy sheets shall be opened automatically at the time of conviction for persons convicted as under and shall be retained for two years after release from jail.

(2) Persons convicted as above will be styled 'known depredators'. However, inmates or ex-inmates of Borstal Institution should not be styled as 'known depredators'.

(3) Rowdy sheets should be opened for such of those registered ex-notified tribe members under Order 736, for whom the Superintendent of Police or the Sub-Divisional Officer thinks it advisable to do so on account of their active criminality.

(4) The Rowdy sheet of a known depredator, against whom an order has been passed Under Section 556 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974) shall not be closed until the period during which he is required to report changes of residence has elapsed.

(G.O.Ms.No. 332 Judl. Dated: 20-2-1906 and 497 Law General dated 10-2-1923).

S.O.735. Discontinuance of Rowdy sheets: (1) Rowdy sheet shall be closed by the definite orders of a Gazetted Officer and shall be filed in the Station. The Rowdy sheets of persons, who have died shall be destroyed by the order of a Gazetted Officer. The Superintendent of Police may order the closure of Rowdy sheet at any time, but a Sub-Divisional Officer may only do so on the expiry of the period named above.

(2) Where the retention of a rowdy sheet is considered necessary after two years of registration, orders of a Gazetted Officer must be taken for the extension of the period in the first instance upto the end of the next December, and for further annual

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extensions from January to December. (G.O.Ms. No. 3929, Home dt: 5-9-1950)

S.O. 736. Suspects:-(1) The following persons should be classed as suspects and rowdy sheets shall be opened for them under the orders of the Superintendent of Police or Sub-Divisional Officer.

(a) persons once convicted under any section of the Indian Penal Code who are considered likely to commit Crime again; and

(b) persons not convicted but believed to be addicted to crime.

(2) Care should be taken to see that rowdy sheets are opened under this order only for persons who are likely to turn out to be habitual criminals and, therefore required to be closely watched.

S.O.737. Period of retention of Rowdy sheets of suspects: Rowdy sheets of suspects shall be maintained from the date of registration upto the end of December, after which the orders of a Gazetted Officer as to their discontinuance or retention for a further period shall be obtained. (G.O.Ms. No. 3929 Home dt:5.9.1950).

14. A reading of the Standing Orders leads to the following conclusions:

- a) A police station has to open Rowdy sheet automatically at the time of conviction of a person. But the conviction is not for all offences. When a person is convicted once Under 310(2) to 310(5) of BNS (Previously Sections 395 to 402 IPC), when a person is convicted twice for house breaking or theft, when a person is bound over twice Under Section 128 of BNSS (previously Section 109 of the Code of Criminal Procedure), and bound over once the Police are empowered to open rowdy sheet. Besides these, persons who are convicted for offences relating to coins and Government Stamps and persons convicted twice for the offences like theft



and house breaking and professional prisoners are also the persons against whom rowdy sheet can be automatically opened by the police.

- b) Rowdy sheets can also be opened even if there is no conviction. But in such case the person should have been known or believed to be addicted to, or aid or abet the commission of a crime.
 - c) The Rowdy sheet opened shall be continued and maintained only for a period of two years and shall be closed only on definite orders of Gazetted Officer. The Police may however order closure of the Rowdy sheet at any time (PSO 735).
 - d) The Rowdy sheet can be continued and maintained for further period of one year till the end of December, but such continuance can be on specific orders of a Gazetted Officer who after considering the case comes to conclusion that it is necessary to continue the Rowdy sheet and extend retention of the Rowdy sheet. Annual extensions for continuation of Rowdy sheet can also be given from January to December, (PSOs. 735 and 737).
 - e) The police may also open rowdy sheets for suspects. Suspects are those persons who are convicted under any section of the Bharatiya Nyaya Sanhita, 2023 and who are considered likely to commit crime again. Persons who are not convicted but are believed to be addicted to crime are also treated as suspects. In case a Rowdy sheet is opened on the ground that a person is a suspect care should be taken that Rowdy sheets are opened only for persons who are likely to become habitual criminals (PSO 736).
11. The police after opening rowdy sheets would constantly keep the rowdy sheeteer under their radar of surveillance. The same would restrict the free movement of the said citizen.

12. The Hon'ble Supreme Court in the matter of **Kharaksingh Vs. The State of U.P and others**¹ had dealt with this issue and duly considering the law laid down by the Hon'ble Supreme Court in **A.K. Gopalan v. State of Madras**² case set aside the suspect sheet by holding that such illogical acts without adequate and justifiable reasons which is infringe upon the fundamental rights of the petitioner(s) therein.
13. On the facts of the present case, the continuance of rowdy sheet against the petitioner(s) would amount to illegal surveillances which is an arbitrary act on part of the state. The same includes the right to privacy and violates Article 21 of the Constitution of India. At the same time, it is made clear that keeping a person under watch to prevent crime and to maintain law and order as authorized by law is a reasonable restriction which is permissible under the Constitution of India.
14. There is no justification in continuation of the rowdy sheet against the petitioner(s), more so when there was no case registered against the petitioner(s) for a period of five years from the date of opening of the rowdy sheet. The pending case

¹ 1963 AIR Supreme Court 1295

² AIR 1950 SC 27

against the petitioner(s) would also not warrant continuance of the rowdy sheet against the petitioner(s).

15. For the aforementioned reasons, the writ petition is allowed.

A mandamus is issued to the respondents and to their subordinates to close the rowdy sheet *vide* C.No.12/DC-DCRB/2009, dated 18.07.2009 against the petitioners.

16. Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

Sd/- K. TATA RAO
DEPUTY REGISTRAR

To,

SECTION OFFICER

1. The Principal Secretary, State of Andhra Pradesh, Home Department Secretariat, Amaravathi, Andhra Pradesh-522237.
2. The Assistant Commissioner of Police, Mylavaram Divison, ACP Office Mylavaram, Krishna District-521230.
3. The Station House Officer, Gamapalagudem Police Station, Gamapalagudem, Krishna District-521403
4. One CC to SRI K V ADITYA CHOWDARY Advocate [OPUC]
5. Two CCs to GP FOR HOME, High Court of Andhra Pradesh [OUT]
6. Three CD Copies

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HIGH COURT

DATED: 11/03/2025

ORDER

WP.No.24858 of 2023



**ALLOWING THE WP
WITHOUT COSTS**