

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION NO. 705 2011

Between:

Sanikommu Venkateswar Reddy & Ors. ... Petitioners

V/s.

State of Andhra Pradesh
Rep.by its Public Prosecutor
High Court of AP Hyderabad & Anr. ... Respondents

Counsel for the Petitioners : Sri P.Vamsheedhar Reddy

Counsel for the Respondents : Public Prosecutor

The court made the following : [order follows]

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

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CRIMINAL PETITION NO. 705 OF 2011

ORDER:

The petitioners are A-1 to A-6 in Crime No.177 of 2009 of Police Station Subedari. The petitioners A-1 to A-5 were regular visitors of Ekashila Agro Services Forum and they used to regularly play games and some time secretly play cards by betting money. The petitioner/A-6 is working as Attender in the said Ekashila Agro Services Forum. A perusal of the FIR and remand case diary show that the offences alleged are in two parts.

2. It is alleged that while A-1 to A-5 were playing cards by betting money. The allegation against A-6 is that even though there is restriction in the matter of selling liquor during the restriction period 14/04/2009 to 16/04/2009 in view of general Elections to be held on 16/04/2009, he has stored sufficiently huge quantity of liquor and was selling the same to the persons who were visiting Ekasila Agro Services Forum. Accordingly on the date of incident when A-1 to A-5 went to the Forum, they purchased IMFL from A-6 and were playing cards and surprisingly they were all caught and the amount totalling Rs.86,230/- in addition to IMFL bottles were

seized.

3. The contention of the petitioners A-1 to A-6 is that even a bare reading of either the complaint or the remand case diary does not at all show that any offence has been committed by the petitioners A-1 to A-5. It is submitted that playing cards by itself is prohibited unless it is shown that petitioners A-1 to A-5 were indulging in game which is prohibited in law. The allegations as it is, that petitioners A-1 to A-5 were playing cards by betting money. Therefore that allegation itself does not constitute an offence so as to prosecute A-1 to A-5 for the said offence.

4. In so far as the petitioner/A6 is concerned, the allegation that he was selling IMFL liquor by procuring from outside to the visitors playing cards. Therefore, investigation can be proceeded against A-6. On the face of it, absolutely no allegations are made out against A-1 to A-5 so as to continue with the investigation. The criminal petition is partly allowed and further investigation against A-1 to A-5 is quashed. The investigating agency shall proceed with the investigation in so far as A-6 is concerned.

5. As a sequel, Miscellaneous Petitions if any, pending in this criminal petition shall stand closed.

JUSTICE M.S.K. JAISWAL

18/06/2015

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HON'BLE SRI JUSTICE M.S.K. JAISWAL

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