

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7514 of 2015

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ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. by the Petitioners/Accused Nos.1 to 42 in S.T.C. No.50 of 2015 on the file of Special Judicial Magistrate of Second Class, Tirupati, seeking to quash the proceedings in the said case, where the learned Magistrate has taken cognizance for the offences punishable under Sections 3 and 4 of the Andhra Pradesh Gaming Act, 1974 (for short, 'the Act').

2. It is the contention of the learned counsel for the petitioners that it is a game of Rummy being played in the club, and apart from it, there is an order of this Court in W.P. No.7365 of 2013 dated 27.12.2013 referring to the order dated 09.09.2011 in W.P. No.24533 of 2011 and batch making it clear that the police have no right to interfere with any card game of Rummy (a 13 cards game), whatever be the stakes, being played in the clubs, observed that the police are not precluded from entering into these clubs, from taking action in terms of Section 5 of the Act, and thereafter, to initiate penal proceedings under Sections 3 and 4 for violation of the provisions of the Act.

3 . It is the further submission of learned counsel for the petitioners that despite the writ petition direction, the police entered into the club and seized the cards and alleged as if it is a game of chance with playing cards, though it is a game of Rummy. The other contention is that there is no permission required under Section 5 of the Act from the competent authority to conduct the raid. Hence, the proceedings are liable to be quashed.

4 . Whereas, it is the submission of the learned Public Prosecutor representing the 1st respondent-State that there was already permission under the provisions of the Act from the Sub

Divisional Police Officer concerned before conducting the raid authorizing the 2nd respondent-*de facto* complainant to conduct raid and it is a game of chance and not a game of Rummy and the permission is confined only to the game of Rummy and not for other games and thereby, there are no grounds to quash the proceedings in the present case.

5. Perused the material available on record. A perusal of the material on record clearly shows that the game played by the petitioners is other than Rummy game and there was permission only to the game of Rummy. The factual dispute as to whether it is a skilled game of Rummy or any other game of chance will be decided before the trial Court.

6. Therefore, this Criminal Petition is disposed of, however, giving liberty to the petitioners to file an application under Rule 37 of Criminal Rules of Practice before the Magistrate concerned and the learned Magistrate shall consider and permit them to represent one of the accused for the other accused.

7. Miscellaneous petitions pending, if any, in this criminal petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

07.10.2015

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