

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8135 OF 2012

ORDER:

This Criminal Petition is filed by the petitioners/A-1 to A-16 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.130 of 2012 on the file of the Additional Judicial First Class Magistrate, Palakol, West Godavari District.

2. Case of the prosecution is that on 18.7.2012, at about 7 P.M., at D.No.41-2-30, Sri Mamidi China Venkata Sivaiah Memorial Town Hall, Palakol, the petitioners were playing cards betting with money and hence, a case in Crime No.115 of 2012 of Palakol Town Police Station was registered for the offences under Sections 3 and 4 of the A.P. Gaming Act, 1974.

3. Heard and perused the material on record.

4. The short point for consideration is:

“Whether the charge sheet discloses the offences alleged by the respondent or not?”

5. **POINT:-** Admittedly, the A.P. Gaming Act is applicable only to the game of chance and not to the game of skill. A reading of the complaint clearly reveals that the police have seized 52 playing cards from the club where the petitioners were playing cards. It can be presumed that it is not a case of game of chance. Except the said recovery, there is nothing to come to a conclusion that the petitioners are running the club with an intention to play the game of chance. Hence, taking into consideration of the above said facts, this Court is of the view that the charge sheet does not disclose the offences

alleged by the respondent and hence, the proceedings in the said C.C. are liable to be quashed.

6. Accordingly, the Criminal Petition is allowed quashing the proceedings in C.C.No.130 of 2012 on the file of the Additional Judicial First Class Magistrate, Palakol, West Godavari District.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

23.9.2016
AMD



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Date: 23.9.2016

AMD