

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRL.P.No.8266 OF 2011

ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the proceedings in S.T.C.No.52 of 2010 on the file of Judicial Magistrate of First Class, Yemmiganur, Kurnool District.

The brief facts of the case are that on 15.04.2010 at about 18.00 hours near Maremma Temple at K.Thimmapuram Village, A1 and A2 were shouting that they will give Rs.80/- for one rupee for playing mutka game with the assistance of A3 to A7 and that Mutka numbers were transmitted in their cell phones as SMS system to A3 to A7. On seeing the same, LW.4 with the assistance of LWs1 to 3 arrested A1 and A2 by seizing two cell phones along with sim cards and an amount of Rs.400/-. The police registered a case in Crime No.33 of 2010 under Section 9(1) of the A.P. Gaming Act (Mutka).

Heard learned counsel for the petitioner/A3 and learned Additional Public Prosecutor.

Learned counsel for the petitioner submitted that the petitioner/A3 was not present at the time of playing Mutka and that the police foisted a false case against the petitioner/A3 basing on the confessional statement of A1 and A2. It is further submitted that the police have implicated the petitioner/A3 in similar cases, against which, the petitioner herein filed Crl.P.No.7631, 7632 and 12858 of 2011 before this Court and those criminal petitions were allowed at the admission stage.

Learned Additional Public Prosecutor on instructions submitted that except the confession of co-accused, no other material is collected by the Investigating Agency against the petitioner/A3.

Considering the same, this Court is of the view that the present proceedings against the petitioner/A3 are liable to be quashed.

Accordingly, the criminal petition is allowed quashing the proceedings in S.T.C.No. 52 of 2010 on the file of Judicial Magistrate of First Class, Yemmiganur, Kurnool District, insofar as petitioner/A3 is concerned.

Miscellaneous petitions pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD,J

21.09.2017
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