

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.2771 OF 2018

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner, who is arrayed as accused No.3 in Crime No.11 of 2018, on the file of the Station House Officer, Peddavaduguru Police Station, Ananthapuram District, apprehending his arrest in connection with the above Crime, registered for the offences punishable under Sections 420, 406 and 120-B R/w.34 of I.P.C. and Sections 3 and 4 of the Andhra Pradesh Gaming (Matka) Act, 1974.

2. Heard, the learned counsel for the petitioner, learned Public Prosecutor (A.P.) appearing for the respondent-State, and perused the record.

3. The case of the petitioner, in brief, is that he is owner of Ambati Pullareddy Jewelers and accused No.1 started Matka company in Peddavaduguru village and accused No.1 is supplying matka slips to accused No.2 and the allegation against the accused No.3 is that he is giving money slips and as such all the accused duped the public by telling that they would get 80% profit against 1% investment and thus involved the innocent public in Matka game and collected huge amount from them.

4. However, during the course of hearing, learned counsel for the petitioner/accused No.3 restricted his arguments to the extent that it would be suffice if the petitioner be directed to surrender before the Judicial Magistrate of First Class, Gooty, Anantapuram District and file a Petition under Sections 437 and 439 of Cr.P.C. with a further direction to the learned Magistrate to dispose of the said Application on the same day.

5. Learned Public Prosecutor (A.P.), appearing for the respondent-State, opposed the Petition on the ground that the petitioner was earlier involved in two crimes *i.e.*, in Crime No.29 of 2018 of Ananthapuramu I Town Police Station and in Crime No.60 of 2018 of Tadipatri Urban Police Station for the identical offences and, hence, if the petitioner is enlarged on bail, it would hinder the investigation process and requested for dismissal of the Petition.

6. Admittedly, the offences committed by the petitioner under Sections 420, 406 and 120-B of I.P.C. are non-bailable offences and the Court has to follow the procedure for disposal of the applications filed under the relevant provision of the Cr.P.C. However, acceding to the innocuous request of the petitioner's counsel, the petitioner/accused No.3 is directed to surrender before the Judicial Magistrate of First Class, Gooty, Anantapuram District within a period of 15 days from today and, on such surrender, if any application is filed by him, under Sections 437 and 439 of Cr.P.C., the learned Magistrate is directed to dispose of the same, after serving notice on the Public Prosecutor, in accordance with law.

7. Accordingly, with the above observation, the Criminal Petition is disposed of.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand closed.

M.SATYANARAYANA MURTHY, J

Date: 27.03.2018.
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

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CRIMINAL PETITION No. 2771 OF 2018

Date. 27.03.2018

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