

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.13614 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioners/Accused seeking to quash the proceedings in C.C. No.64 of 2014, pending on the file of the Court of Judicial First Class Magistrate at Bhimadolu, West Godavari District, registered for the offences punishable under Sections 3 and 4 of the A.P. Gaming Act, 1974 (for short, 'the Act').

2. Heard learned counsel for the petitioners and learned Public Prosecutor, appearing for the respondent – State.

3. Learned counsel for the petitioners submits that the petitioners are playing the game of 'Rummy' with 13 cards, which is a skill game, and not a game of chance and as such the petitioners cannot be prosecuted under the Gaming Act.

4. But, a perusal of the charge sheet shows that the petitioners are not playing the game of rummy and that they are playing the game of 'Kotha Banti'.

5. The submission of learned counsel for the petitioners that, Section 3 of the Act does not get attracted to the petitioners, as they are only playing the game in the Town Hall, Bhimadole, of which the petitioners are not the owners is not tenable, as Section 3 of the Act includes the persons who uses the common gaming house also.

6. Hence, in view of the nature of allegations, this Court opines that this is not a fit case to quash the proceedings against the petitioners.

7. In the result, the Criminal Petition is dismissed.

8. As a sequel, miscellaneous petitions if any, pending in this Petition shall stand dismissed.

T. RAJANI, J

Date: 29.11.2018.
Dsh

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Date.29.11.2018

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