

SMT. JUSTICE T.RAJANI

Criminal Petition No.10282 of 2011

ORDER:

This petition is filed by the petitioners seeking to quash the proceedings in STC.No.271 of 2011 on the file of the Special Judicial Magistrate of II Class, Proddatur. The offences alleged are under Sections 3 and 4 of the Andhra Pradesh Gaming Act, 1974, (for short "the Act).

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the respondent and perused material placed on record.

The complaint is filed stating that on 21.08.2011, after obtaining search proceedings, search was conducted on the George Coronation Club on TB Road, Proddatur Town and the petitioners were found playing card game. Petitioner No.69 is stated to be the Secretary of the said club.

The learned counsel for the petitioners submits that the complaint does not spell out as to what card game the petitioners were playing and he intends to take benefit of the card game Rummy, being exempted under Section 15 of the Act. But in the considered opinion of this Court, the lapse of the complainant in not mentioning the nature of the card game does not accrue to the benefit of the petitioners. If the petitioners were playing Rummy, it is for them to take such plea and defence and prove the same.

The counsel for the petitioners also submits that the petitioner No.69 being the Secretary of the Club cannot be charged with any of the offence as he is not concerned with securing of the licence. But, as could be seen, Section 3 of the Act prescribes penalty for a person who opens,

keeps or uses or permits to be used any common gaming house or conducts or assists in conducting the business of any common gaming house or advances or furnishes money for gaming is liable to be punished. The case of the complainant is that the petitioners have been playing cards without obtaining cash tokens. Hence, when the petitioner No.69 facilitates such illegal procedure, he would also be liable for punishment under Section 3 of the Act.

In view of the above, this Court opines that it is not a fit case for quashing the proceedings and therefore, this petition is liable to be dismissed.

In the result, this criminal petition is dismissed. As a sequel, miscellaneous applications, if any pending, shall stand closed.

Date: 22.10.2018
LSK

JUSTICE T. RAJANI

