



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.19611 of 2021

WEB COPY

N.Senthilvelkumar

... Petitioner/Accused No.6

Vs

1. State rep by
The Sub-Inspector of Police,
Kuruvikulam Police Station,
Tirunelveli District,
(In Crime No.94 of 2020) ... 1st Respondent/Complainant
2. Murugan
Sub Inspector of Police-492,
Kuruvikulam Police Station,
Tirunelveli District. ... 2nd Respondent/Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to S.T.C.No.1177 of 2021 on the file of the learned Judicial Magistrate, Sankarankovil and quash the same against the petitioner.

For Petitioner : Mr.M.Veilkani Raju

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner is facing trial in S.T.C.No.1177 of 2021 on the file of the Judicial Magistrate, Sankarankovil for the offence under Section 12 of the Tamil Nadu Gaming Act, 1930.

2. The case of the prosecution is that the accused were found sitting in a circle and playing cards for stakes. It has already been held vide order dated 24.07.2020 in Crl.O.P.(MD) No.6568 of 2020 that a mere playing of cards for stakes cannot attract the offence under Section 12 of the Tamil Nadu Gaming Act, 1930, when the gambling has not been done in a common gaming house. The place at which the accused were found playing cards cannot be called as common gaming house.



3. The case on hand is squarely covered by the order dated 29.10.2020 in Crl.O.P.(MD)No.11405 of 2020. The impugned proceedings are quashed. The benefit of this order will enure in favour of the non petitioning accused also.

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4. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate, Sankarankovil.
2. The Sub Inspector of Police,
Kuruvikulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.19611 of 2021

10.12.2021

USK (20.12.2021) 2P 4C