



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1688 of 2022

and

Cr.M.P(MD)Nos.1231 & 1232 of 2022

C.Maharaja @ Jim Raja

... Petitioner/ Accused No.7

Vs.

1.The State represented by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Crime No.115 of 2019)

... 1st Respondent/ Complainant

2.Prathap,
Special Sub Inspector,
Sivanthipatti Police Station,
Tirunelveli.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.1551 of 2021 on the file of Judicial Magistrate No.3, Tirunelveli and quash the same.

For Petitioner : Mr.M.Mahendran

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
for R.1

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. The petitioners are facing trial for the offences under Sections 294(b) and 353 IPC and Section 12 of Tamil Nadu Gaming Act, 1930.



3. The learned Government Advocate (Criminal Side) would oppose the petitioner's prayer by pointing out that money as well as vehicle were recovered. However, I am able to note that the case on hand is squarely covered by the ratio laid down in ***D.Silluvai Venance Vs State Represented by the Inspector of Police [2020 (3) MLJ (CrI) 710]***. The learned Judge had held that if the site where the gaming had taken place, cannot be called as a 'Common Gaming House', prosecution is not maintainable.

4. Respectfully following the said ratio, the impugned proceedings are quashed. This Criminal Original Petition is allowed. The benefit of this order will enure in favour of the non-petitioning accused also. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 No.3, Tirunelveli.

2.The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.

3.The Special Sub Inspector,
Sivanthipatti Police Station,Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+8 CC to M/s.M.MAHENDRAN, Advocate (SR-3829[F] dated 02/02/2022)

CrI.O.P(MD)No.1688 of 2022

and

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