



WEB COPY



Crl.O.P.No.7244 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.7244 of 2021
and
Crl.M.P.Nos.4834 and 4835 of 2021

M.Sakthivel

... Petitioner/Accused No.11

Vs.

The State Represented by

Inspector of Police,

D Nagar Police Station,

Pondicherry

(Cr.No.136/2016)

... Respondent/Complainant

PRAYER : Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for all the records relating to the C.C.No.229 of 2016, on the file of the learned Chief Judicial Magistrate Court – I, Pondicherry and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.S.Mohan Das

Public Prosecutor

(Pondicherry)



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ORDER

The petition is to quash the final report for the alleged offences under Sections 420, 468, 471, 186, 353, 506 (ii) r/w 34 r/w 109 IPC and 7 (iii) r/w 5 of Lotteries (Regulation) Act 1998.

2. It is alleged that the petitioner had entered into a conspiracy with the other accused and sold banned lottery tickets within the territory of Pondicherry and hence, committed the offences under Sections 420, 468, 471, 186, 353, 506 (ii) r/w 34 r/w 109 IPC and 7 (iii) r/w 5 of Lotteries (Regulation) Act 1998.

3. The learned counsel for the petitioner would submit that the impugned final report is liable to be quashed since there is no evidence except for the confession of the co-accused. The learned counsel further relied upon the orders in Crl.O.P.No.2511 of 2020 and Crl.O.P.No.3538 of 2021 passed by this Court in similar circumstances wherein the petitioner was an accused and this Court had quashed the proceedings on the ground that there is no material except for the confession of the co-accused. Hence, he prayed for quashing of the final report.



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4. The learned Public Prosecutor, Pondicherry would submit that the trial is almost completed and the evidence on the side of the prosecution is closed; and that the case is posted for defence on 20.06.2023. Hence, he prayed for dismissal of the quash petition.

5. Since the trial is at the advanced stage and nearing completion, this Court is not inclined to entertain this quash petition. The point raised by the petitioner that there is no evidence except for the confession of the co-accused can be raised before the Trial Court. It is always open to him to rely upon the orders of this Court in Crl.O.P.No.2511 of 2020 and Crl.O.P.No.3538 of 2021 made in similar circumstances before the Trial Court.

6. Hence, this Court is not inclined to entertain this quash petition. The Criminal Original Petition is dismissed. Consequently the connected miscellaneous petitions are closed.

05.06.2023

dk

Index : Yes/No

Internet: Yes/No

Speaking/Non Speaking Order

NCC: Yes/No



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SUNDER MOHAN. J,
dk

WEB COPY To

1.The Chief Judicial Magistrate Court – I,
Pondicherry

2.The Public Prosecutor
High Court of Madras
Chennai – 600 104.

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and

Crl.M.P.Nos.4834 and 4835 of 2021

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