



WEB COPY

Crl.O.P.No.23372 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.23372 of 2021

and

Crl.M.P.Nos.12805 & 12806 of 2021

Manivannan

... Petitioner

Vs.

1.The State Rep. by,
The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram.
(Crime No.329 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records and quash the STC.No.653 of 2019 pending on the file of Learned Judicial Magistrate No.1, Kancheepuram District against the petitioner.

For Petitioner : M/s.D.Senthilkumar for M/s.M.Chellapandian

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor



ORDER

WEB COPY

The petition is to quash the final report filed for the offences under Sections 4-A and 4(3), of the Tamil Nadu Gaming Act, 1930.

2. It is alleged in the final report that the 1st accused was found involved in gaming activity by using slips containing certain digits showing the market price of cotton and an amount of Rs.180/- was seized from the 1st accused; that the 1st accused had confessed that the petitioner was also involved in the aforesaid offences.

3. The learned counsel for the petitioner would submit that even according to the prosecution, the seizure was made from the 1st accused. Three witnesses were cited on the side of the prosecution. L.W.1 and L.W.2 are the Sub Inspector of Police and the Police Constable respectively who had seized the cash and other materials from A.1 and L.W.3 is an Investigating Officer. There is absolutely no evidence to suggest that the petitioner was involved in the alleged occurrence except for the confession of A.1.



WEB COPY

4. The learned Additional Public Prosecutor fairly submitted that as against A.2 except for the confession of A.1 there is no other material to implicate him in the alleged offences.

5. This Court finds that admittedly the seizure was made from A.1 and on the basis of the confession of A.1 the petitioner is sought to be implicated. There is no other material as against the petitioner/A.2 to connect him with the alleged offences. The petitioner/A.2 cannot be prosecuted on the basis of the inadmissible evidence stated above. Hence, no useful purpose would be served in keeping the proceedings pending as against the petitioner. Therefore, the final report as against the petitioner is liable to be quashed.

6. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

22.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
shr



Crl.O.P.No.23372 of 20

WEB COPY

To,

- 1.The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram.
- 2.The Judicial Magistrate No.1, Kancheepuram District.



WEB COPY



CrI.O.P.No.23372 of 2021

SUNDER MOHAN. J.

shr

CrI.O.P.No.23372 of 2021
and
CrI.M.P.Nos.12805 & 12806 of 2021

22.06.2023