



WEB COPY



Crl.O.P.No.23467 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.23467 of 2019

and

Crl.M.P. No.12328 & 12329 of 2019

1.Mr.Rengarajan
2.Mr.Manokaran
3.Mr.Subbiah

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Crime Branch CID
Cyber Crime Cell,
Egmore, Chennai- 08.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C.No.4678 of 2018 pending on the file of the XI Metropolitan Magistrate, Saidapet, Chennai and to examine the same and to quash the entire proceedings pending in C.C.No.4678/2018.



Crl.O.P.No.23467 of 2019

For Petitioners : M/s.G.Prabhakaran
For Respondent : Mr.A.Damodaran Additional Public
Prosecutor.

ORDER

This petition has been filed to quash the criminal proceedings in C.C.No.4678/2018, on the file of the XI Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that on 10.08.2009, at about 17.15 hours the respondent police raided the house of one Rathinam and found 4 persons selling online lottery tickets of Mizoram and Arunachal Pradesh States and 12 persons were purchasing the same. Since the sale of the lottery tickets is prohibited in Tamil Nadu State, the respondent police arrested the sellers and the purchasers, seized lottery machines, lottery tickets and registered a case. Thereafter, on investigation, the respondent police filed a final report as against the 29 accused.



3. The learned counsel for the petitioners submitted that the offenses alleged in the final report are under Sections 120 (B) IPC, 294 (A) of IPC and Section 7(3) of the Lotteries (Regulation) Act, 1998 read with section 9 of the Lotteries (Regulation) Act, 1998.

4. The learned counsel for the petitioners submitted that the occurrence took place on 10.08.2009 and the impugned charge sheet was filed on 30.05.2018 which is barred by limitation. The maximum sentence for the offence under Section 7(3) of the Lotteries (Regulation) Act, 1998 is two years and for the offence under Section 294 (A) IPC is six months. Since the offence of conspiracy is punishable in the same manner as the principal offence, the maximum sentence that can be imposed for the said offence is two years.

5. Hence, the learned counsel for the petitioners would submit that as per the provisions of Section 468 of Cr.P.C, the impugned final report ought to have been filed within a period of three years from the date of the offence and that the respondent had not filed any application for extension of period of limitation under Section 473 Cr.P.C. as well.



Crl.O.P.No.23467 of 2019

WEB COPY

6. The learned counsel for the petitioners would further submit that some of the co-accused had filed a quash petition on the very same point and this Court had quashed the charge sheet as it was barred by limitation in Crl.O.P.Nos.23612, 25553, 27948 and 28367 of 2018 dated 01.07.2022. As against a few other accused this Court had also quashed the impugned final report in Crl.OP.No.28313 of 2022 dated 09.01.2023.

7. The learned Additional Public Prosecutor fairly concedes that the impugned final report is barred by limitation and this Court had quashed the impugned charge sheet in respect of some of the co-accused by the orders referred earlier by the learned counsel for the petitioners.

8. This Court finds that the point raised by the learned counsel for the petitioners is squarely covered by the two earlier orders passed by this Court as stated earlier. The maximum sentence that can be imposed on the petitioners is two years for the offences alleged. Section 468 of Cr.P.C. makes it clear that the period of limitation for an offence that is punishable with imprisonment for a term extending 1 year but not extending 3 years is



Crl.O.P.No.23467 of 2019

3 years. The complaint was registered on 10.08.2009 and the impugned final report was filed only on 30.05.2018 i.e; after nine years which is barred by limitation. As rightly contended by the the learned counsel for the petitioners, the respondent has not filed any application for extension of period of limitation under Section 473 Cr.P.C. as well.

9. For all the above reasons, the impugned charge sheet in C.C.No.4678/2018, on the file of the XI Metropolitan Magistrate, Saidapet, Chennai is quashed and accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

09.03.2023

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



Crl.O.P.No.23467 of 2019

WEB COPY

To

1. The Inspector of Police
Crime Branch CID
Cyber Crime Cell,
Egmore, Chennai- 08.
2. The XI Metropolitan Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
High Court,
Chennai - 600104.



WEB COPY



Crl.O.P.No.23467 of 2019

SUNDER MOHAN. J,

shr

Crl.O.P.No.23467 of 2019
and
Crl.M.P. Nos.12328 & 12329 of 2019

09.03.2023