

CRM-M-4087 of 2023  
Date of Decision: April 17, 2023

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| <b>Pawan Kumar and others</b>      | <b>...Petitioners</b> |
| <b>Versus</b>                      |                       |
| <b>State of Punjab and another</b> | <b>...Respondents</b> |

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Rakesh Chopra, Advocate and  
Mr. Jashan Chopra, Advocate for  
the petitioners.  
Mr. R.S. Khaira, DAG, Punjab.

**DEEPAK GUPTA, J.(Oral)**

Status report by way of affidavit of Shri Jangjit Singh,  
Deputy Superintendent of Police, Circle Amloh, District Fatehgarh Sahib,  
(Punjab) has been filed on behalf of respondent No.1.

Petitioners and respondent No.2 were allegedly found indulging in gambling by staking money on cards by a police party on 14.02.2016, at which FIR No.27 dated 14.02.2016 was registered under Sections 13/3/67 of the Public Gambling Act, at Police Station Mandi Gobindgarh. After investigation, report under Section 173 Cr.P.C was filed. Petitioners and respondent No.2 have been charge-sheeted by learned Sub Divisional Judicial Magistrate, Amloh vide order dated 01.08.2017 to face prosecution under Section 13 of the Public Gambling Act.

By way of this petition, prayer for quashing the FIR, charge-sheet and all the subsequent proceedings is sought on the ground that Magistrate could not take the cognizance as challan was filed beyond limitation.

There is merit in the contention. Alleged offence was committed on 14.02.2016. Offence under Section 13 of the Public Gambling Act is punishable with fine only or with sentence upto one

month. Section 468 Cr.P.C prescribes a period of six months within which cognizance of an offence can be taken when the offence is punishable with fine only; or within one year if the offence is punishable with imprisonment for a term not exceeding one year.

In the present case, as the offence in question is punishable with fine or imprisonment upto one month, it means that cognizance could have been taken within one year. However, as contended by learned counsel for the petitioners and as conceded in the status report filed by respondent No.1, challan was presented before the Court on 11.04.2017, though it was allegedly prepared on 27.06.2016. No justification has been offered by the respondent-State as to why the challan was not presented immediately after its preparation. Once it is found that challan was presented before the Court on 11.04.2017 i.e. beyond a period of one year from the date of commission of offence, which is 14.02.2016, therefore, learned Magistrate was debarred from taking cognizance of the offence in view of the bar placed under Section 468 Cr.P.C.

Consequently, present petition is hereby accepted. FIR No.27 dated 14.02.2016 under Section 13/3/67 of Punjab Gambling Act, registered at Police Station Gobindgarh, Mandi as well as charge-sheet dated 01.08.2017 and all the subsequent proceedings are hereby quashed.

**April 17, 2023**

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**(DEEPAK GUPTA)**  
**JUDGE**

Whether reasoned/speaking: Yes/No  
Whether reportable: Yes/No