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CrI.O.P.No.20884 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No. 20884 of 2024

S.Nagaraj

... Petitioner

Vs.

Inspector of Police,
Town Police Station,
Karaikal,
Pondicherry Union Territory,
Crime No.10 of 2023.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records in F.I.R.No.10 of 2023 pending on the file of the Inspector of Police, Karaikal and quash the same.

For Petitioner : Mr.V.Karthikeyan

For Respondent : Mr.K.S.Mohan Dass
Public Prosecutor (Pondicherry)
Assisted by Ms.N.Dhanalatchoumi

ORDER

The petitioner herein is one of the accused in Crime No.10 of 2023 on the file of the respondent/Police for the offences under Sections 7 and



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8 of Pondicherry Gaming Act, 1965. The offences and penalties prescribed are as below :

"7. Penalty for opening etc., a common gaming – house . - Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house or advances or furnishes money for gaming therein, shall be punishable with fine which may extend for five hundred rupees or with imprisonment for a term which may extend to three months or with both.

8. Penalty for being found gaming in a common gaming-house. - Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming."

2. Learned counsel for the petitioner states that since punishment is only the maximum period of imprisonment for a term extending to three months, as per Section 468 Cr.P.C., the cognizance of the offences ought



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to have been taken within a period of one year from the date of the FIR, whereas, in this case, the final report is not filed till date and therefore, the cognizance cannot be taken, in view of the limitation prescribed under the Statute.

3. Learned Public Prosecutor, Pondicherry appearing for the respondent states that on 21.01.2023, the respondent/Police has conducted raid on the Indoor Sports Members Recreation Club, Karaikal and found that the premises is used for gambling purpose using playing cards and therefore, the Club Secretary and its members and other persons, who were present there and playing cards, were arrested and incriminating materials along with cash of Rs.7,700/- were seized. After completion of investigation, final report was prepared on 27.01.2023 and presented before the Judicial Magistrate No.I, Karaikal and the same was not taken on file, since the case properties were not produced along with the final report. On 18.09.2024, on production of case properties, final report was re-presented through e-filing, vide Acknowledgment No.LTN20230003195 C202400147, dated 21.09.2024.

4. From the information furnished by the learned Public



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Prosecutor, it is affirmed that till date, the cognizance of the offences against this petitioner, is not yet taken. As per Section 468(2)(b) of Cr.P.C., the time prescribed for taking cognizance of the offence punishable with imprisonment of less than one year, is only one year from the date of the filing of the FIR. Therefore, the complaint is liable to be quashed.

5. In view of the above, the Criminal Original Petition is allowed and the F.I.R. No.10 of 2023 pending on the file of the respondent/Police is quashed.

21.10.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The Inspector of Police,
Town Police Station,
Karaikal,Pondicherry Union Territory,
2. The Public Prosecutor,
Pondicherry.

Dr.G.JAYACHANDRAN, J.

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