

Champ of Aces vs the State of Karnataka

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Court : Karnataka

Decided On : Jan-23-2025

Judge : Chief Justice,M.I.Arun

Appeal No. : CCC/17/2024

Appellant : Champ of Aces

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JANUARY, 2025 PRESENT THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE AND THE HON'BLE MR JUSTICE M.I.ARUN CCC NO. 17 OF 2024 (CIVIL) BETWEEN:

1. CHAMP OF ACES

A SOCIETY REGISTERED UNDER THE PROVISIONS OF THE SOCIETIES REGISTRATIONS ACT, 1960 HAVING ITS REGISTERED OFFICE AT #41, 4TH BLOCK, 17TH MAIN, 100 FEET ROAD KORAMANGALA, BANGALORE - 560 034 REPRESENTED BY ITS

MEMBER SRI HARISH S. COMPLAINANT (BY SRI PRASAD K.R. RAO., ADVOCATE) Digitally AND: signed by AMBIKA H B

1. THE STATE OF KARNATAKA Location: REPRESENTED BY ITS PRINCIPAL SECRETARY High Court AMBEDKAR VEEDHI of Karnataka VIDHANA SOUDHA BANGALORE - 560 001. PRO FORMA RESPONDENT

2. SRI P.N. NATARAJ INSPECTOR OF POLICE /STATION HOUSE OFFICER -2- HAVING ITS OFFICE AT 8 /A

3. ARUN KUMAR ASSISTANT SUB-INSPECTOR OF POLICE HAVING IS OFFICE AT 8/A

4. SRI JAGADISH

POLICE CONSTABLE HAVING ITS OFFICE AT 8/A ACCUSED (BY SMT. PRAMODHINI KISHAN, AGA) THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, PRAYING TO HOLD THE ACCUSED GUILTY FOR COMMITTING OFFENCE PUNISHABLE UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971 THEREBY VIOLATING THE

ORDER DATED 02.11.2023 PASSED BY THIS HONBLE COURT

IN W.P.NO.23884/2023 VIDE ANNEXURE C AND PUNISH THEM TO THE MAXIMUM IN ACCORDANCE WITH LAW & ETC. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

-3- CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA and HON'BLE MR JUSTICE M.I.ARUN

ORAL JUDGMENT

(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N. V. ANJARIA) The writ petition came to be disposed of by learned Single Judge by the order dated 02.11.2023 providing that the issue was covered by the decision of the Co-ordinate Bench in TILT Room-2 vs. State of Karnataka and others, which was Writ Petition No. 20532 of 2023 disposed of on 20.09.2023 and that the directions issued in the said decision would apply in the present case.

2. Those directions are reproduced extracting from paragraph 6 of the said decision as under,

"6. The learned counsel for the petitioner has brought to the notice of this Court a judgment passed by the Division Bench of this Court at Kalaburagi, in W.A.No.20090/2015 in the case of D.V.R. Recreation Club Vs State of Karnataka, disposed of on 27.06.2016 and further order issued on a review petition in the same matter on 19.10.2016. In view of the subsequent directions issued by the Honble Division Bench, the present writ petition is disposed of with the following directions: -4-

a. The petitioner shall install within a period of six weeks, CC TV cameras, at all the places of access to its members and also at all the places, wherein game/s is/are played by the members. The CC TV footage of at least prior 15 days period shall be made available by the petitioner, to the police, as and when called upon to do so.

b. The petitioner shall issue identity card(s) to all its member(s), which shall be produced by the member(s), when called upon by the police, during the raid(s) and surveillance etc.

c. The petitioner shall not permit any activity by any of its member(s), by indulging in acts of amusement, falling within the definition of Ss.2 (14) & 2 (15) of the Act and shall not permit any game(s) of chance as per Explanation (II) of Sub-section (7) of Section 2 of Karnataka Police Act, 1963. The member(s) shall not be allowed to play any kind of game(s) with stakes or make any profit or gain out of the game(s) played, except games of skills.

d. The petitioner shall put proper mechanism in place and shall ensure that no game(s) is played in any unlawful manner by the member(s). If the police find that any of the game/s played is/are contrary to any law and in violation of the settled practice, it is open for them to take action against petitioner and the offenders, in accordance with law.

e. The jurisdictional police shall have liberty to visit premises periodically and/or on receipt of any information about any unlawful activity being carried on in the petitioners premises. f. The respondents are directed not to interfere with the lawful recreational -5- activities carried on by the members of the petitioner - Club/Association. g. It is made clear that this order would not come in the way of the jurisdictional police invoking the provisions of the Act and taking action in accordance with law, if the member(s) of the petitioner are found to have indulged in any unlawful or immoral activities."

3. In the present case also, same directions are brought under the contempt jurisdiction.

4. In M/s. Meta Hospitality Pvt. Ltd vs. State of Karnataka

and others, which was CCC No.97 of 2024 decided on 18.03.2024 identical directions were the subject matter of contempt jurisdiction wherein the Court observed as under,

"2. When the aforesaid directions were brought under the present contempt proceedings, the respondent- accused through learned Government Advocate Mr. S.S. Mahendra filed the affidavit detailing the instructions given to the police officers regarding the manner of visiting and inspecting the premises of the complainant and only upon availability of credible information, to take steps in accordance with law.

3. The aforesaid affidavit and the contents thereof mark due compliance of the directions of learned Single Judge." -6- 4.1 The same observations and directions shall apply in the present case.

5. The present contempt petition is accordingly disposed of in the same terms.
Sd/- (N. V. ANJARIA) CHIEF JUSTICE Sd/- (M.I.ARUN) JUDGE CR List No.: 1 Sl
No.: 96

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