

Emperor Vs. Maturwa

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SooperKanoon Citation : sooperkanoon.com/451992

Court : Allahabad

Decided On : Mar-20-1918

Reported in : (1918)ILR40All517

Judge : Pramada Charan Banerji, J.

Appellant : Emperor

Respondent : Maturwa

Judgement :

Pramada Charan Banerji, J.

1. The accused in this case was convicted under the Gambling Act. The Magistrate who convicted him ordered confiscation of the money which was found in his possession. The learned Sessions Judge has reported the case to this Court with the recommendation that this portion of the learned Magistrate's order should be set aside as not being in conformity with law. It is clear from the language of Section 18 of the Gambling Act that all that could be confiscated were the instruments of gaming. This was so held in the case to which the learned Sessions Judge refers. Acceding therefore to the recommendation of the learned Sessions Judge, I set aside so much of the order of the Magistrate as directs the confiscation of the money found in the possession of the accused and direct that it be refunded to him.

