

Kashi Nath and ors. Vs. Emperor

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Court : Allahabad

Decided On : Mar-25-1925

Reported in : AIR1925All518

Appellant : Kashi Nath and ors.

Respondent : Emperor

Judgement :

Stuart, J.

1. The only point which has-been argued on this application is the point of jurisdiction. The applicant's Counsel maintains that the gambling did not take place within the area to which the Act had been extended by the Government Notification of the 14th June, 1910.

2. The gamblers were gambling in a boat-which was on the Benares side of the midstream of the Ganges. After examining the Notification, I am of opinion that the Southern boundary of the area to which the Act extends is the North bank of the Ganges. Where the notification says 'the Ganges' I understand it to mean the North bank of the Ganges and not the mid-stream. It follows from this finding that no offence was committed because the gambling took place outside the area to which the Act applies.

3. I therefore, allow this application and act aside the convictions and sentences. The fines, if paid, will be refunded. Those applicants who are in jail, will be released at once from custody. As I find that there was no case, I set aside the convictions and sentences even of those persons who have not applied in revision.

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