

Chran Misri Vs. State

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Court : Gujarat

Decided On : Mar-23-1962

Reported in : 1963CriLJ666; (1963)4GLR304

Judge : V.B. Raju, J.

Appellant : Chran Misri

Respondent : State

Judgement :

V.B. Raju, J.

1. In this case, the appellant was convicted under Section 12(a) read with Section 4 of the Bombay Prevention of Gambling Act for having accepted Re, 1/- from another person as a bet on American Cotton Futures, the complainant P.S.I, deposed that one person came and gave a currency note of rupee one to the accused for 1000 as a bet of '8 Teji'. When the prosecution case is that money was received by the accused as a bet, it is necessary to prove that money was received and how the receipt of money amounts to a bet. The P.S.I, should have deposed exactly what were the words which passed between the bettor and the appellant. Whether the object in giving a one rupee note to the appellant was by way of a bet is not a matter of inference. It is not open to a prosecution witness to draw his own inference, it is, however, open to a prosecution witness to explain the special or peculiar words, if any, used by a bettor in order to lay a bet. For

instance, if a bettor used the expression '8 Teji' and gives one rupee for '8 Teji, it is open to the P.S.I, to explain the expression '8 Teji, and to explain its meaning provided he has special means of explaining that expression. In this case, he has not deposed that he had heard the words '8 Teji'. the mere fact that one rupee currency note was given to the appellant does not necessarily amount to a bet. Whether it amounts to a bet or not is for the Court to decide and an inference cannot be drawn on that point by the prosecution witnesses. An inference drawn by a prosecution witness from what he had seen or heard cannot be deposed to. It is open to an expert to give his opinion. In this case, therefore, there is no admissible evidence from which the Court can draw the inference that a bet had been laid with the appellant.

2. The appeal is, therefore, allowed and the conviction of the appellant and the sentence passed on him are set aside. Bail bond to be cancelled. Fine, if paid, should be refunded.

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