

In Re: Abdul Rahim and ors.

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Court : Chennai

Decided On : Sep-19-1946

Reported in : AIR1947Mad188; (1946)2MLJ332

Appellant : In Re: Abdul Rahim and ors.

Judgement :

ORDER

Yahya Ali, J.

1. Two technical objections are raised against the convictions of the petitioners in these two cases which are dealt with together as the questions arising in them are common. The first is that under Section 4(2) of the Madras Gaming Act there is no reference to public street as in Section 12, and it is from that circumstance argued that gaming in a public street is not an offence under the Gaming Act. Gaming is defined in Section 3 as including betting on a horse race except when such betting takes place in a place within the race enclosure. That amounts to saying that betting taking place anywhere outside the race enclosure whether in a public street or in any other place is an offence within the meaning of Section 4(2) of the Madras Gaming Act, 1930. The second objection is that some of the horses which were backed by the petitioners did not actually run on that day and were not even scheduled to run. I am of opinion that this would not make any difference so far as the liability under the Act is concerned. What is prohibited is wagering or betting on a horse race. The fact that a particular horse which was backed did not actually

run or was not scheduled to run would make no difference. The underlying purpose and policy of the Madras Gaming Act is to save the ordinary race-going public from the evil effects of betting on horse races, and it would be a negation of the fundamental principle of the Act to hold that betting on horses which did not actually run in the race or on horses which were not scheduled to run on the particular date would not amount to an offence.

2. Both the objections fail and the petitions are dismissed.

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