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In Re: P. Krishnamurthi

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Court : Chennai

Decided On : Dec-02-1949

Reported in : AIR1950Mad511

Judge : Panchapakesa Ayyar, J.

Acts : Madras City Police Act, 1888 - Sections 37(4)

Appeal No. : Criminal Revn. No. 994 and Cri. Revn. Petn. No. 928 of 1949

Appellant : In Re: P. Krishnamurthi

Advocate for Def. : Crown Prosecutor

Advocate for Pet/Ap. : M.A. Ghotala, Adv.

Disposition : Petition dismissed

Judgement :
ORDER

Panchapakesa Ayyar, J.

1. The petitioner, P. Krishnamurti, has been convicted under Section 37(4), City Police Act and has been fined Rs. 35 by the 3rd Presidency Magistrate, Madras, for receiving beta on horses running at the Guindy races at about 3-30 P. M. on 4th December 1948.

2. Mr. Ghatala, for the petitioner, raised three main contentions: The first was that P. W. 2, who swore to his giving the petitioner Rs. 1.4.0 three times that day for betting, cannot be believed as P. W. 2 did not know the petitioner before and could not have paid him the three bet amounts, especially as there were the regular race course men ready to receive bets. I cannot agree. The regular race course men don't receive petty amounts like Rs. 1-4-0 from betting enthusiasts of poor means like P. W. 2. They cater to gentlemen who can afford to pay the regulation bet amount. Bucket-shop men secretly cater to men of petty means like P. W. 2. Nor is previous friendship essential for giving and taking bets. In the exotic atmosphere of toddy-shops and race, courses a camaraderie springs up like magic, and no previous friendship is necessary.

3. The next contention was that the lower Court should have believed D. WS. 1 and 2 and held that the petitioner had gone there to bet himself, on behalf of himself and his friends, and not to receive beta. I cannot agree, D. Ws. 1 and 2 were interested and unreliable. P. Ws 1 and 2 swore that the petitioner was only receiving bets from men of small means like P. W. 2.

4. The last contention was that receiving bets inside a race course by any one would be no offence, and that what the regular race course authorities could do with impunity others also could do. The argument is preposterous. Only those authorised to bet are exempt. Thus a man sentenced to death must be hanged by the usual jail authorities authorised to do so. For any man to go and catch him and hang him will be an offence, so too, for a layman to go and whip a man sentenced to whipping or to look up a man sentenced to imprisonment.

5. The petitioner's conviction was correct and is confirmed. The sentence too is not at all excessive. It too is confirmed, and this petition dismissed.

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