

Joginder Sansanwal Vs. State and ors.

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Court : Delhi

Decided On : Dec-07-2010

Judge : Shiv Narayan Dhingra. J

Acts : Code of Criminal Procedure (CrPC) - Section 482;[Constitution of India](#) - Article 227

Appeal No. : CrI.MC No.2508/2010

Appellant : Joginder Sansanwal

Respondent : State and ors.

Advocate for Def. : Mr. Sunil Sharma, Adv.

Advocate for Pet/Ap. : Mr. L.S. Chaudhary,Adv

Judgement :

1. By this petition under Section 482 Cr.P.C read with Article 227 of the [Constitution of India](#), the petitioner has assailed an order dated 9th March, 2010 passed by learned MM, New Delhi whereby he dismissed a complaint of the petitioner holding that no offence against the accused persons was made out.

2. A perusal of complaint and the order of the learned MM would show that as per the allegations of the petitioner, the petitioner was induced into horse racing and betting by the respondent no.2 and the petitioner lost considerable amount in racecourse and in purchasing a horse. The learned trial court came to conclusion

that giving advice to put bet on horse racing does not amount to cheating. I consider that the learned trial court rightly came to conclusion that no offence of cheating was made out in this case. If the Crl. MC No.2508/2010 Page 1 Of 2 petitioner had not been interested in betting and earning easy money through betting, the petitioner would not have sought advice of accused. The very fact that the petitioner sought advice of the respondent and petitioner could be induced into horse racing or purchase of a horse for racing and actively participated in betting, shows that the petitioner himself was responsible for his woes. The complaint filed by the petitioner against the respondents was rightly dismissed by the learned MM being not maintainable. There is no force in this petition. The petition is hereby dismissed.

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