

**In the Court of Ms. Indu Bala, PCS
Sub Divisional Judicial Magistrate,
Moonak.UID-PB0368**

**CHA No.82 of 2021
CNR-PBSGD1000453-2021
Date of decision: 28.11.2023**

State of Punjab

Versus

**Pawan Kumar son of Wazir Chand resident of village Andana,
PS Khanauri, now resident of Ward No.13 Khanauri.**

..... Accused

**FIR No.25 dated 12.04.2021
U/s 13-A/3/67 of Public
Gambling Act.
P.S. Khanauri**

**Present:- Sh. Chander Goyal, APP for the State
Accused Pawan Kumar on bail with counsel Shri
Parmanand Sharma, Advocate.**

Judgment :-

1. The above named accused has been sent up to this court to face trial for the offence punishable under Sections **13-A/3/67 of The Public Gambling Act** by the SHO of Police Station Khanauri, District Sangrur.

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Brief facts:-

2. Brief facts of the present case as per the version of the prosecution are that on 12.04.2021 HC Hardeep Singh alongwith the police party via private vehicle alongwith laptop and printer were present at near Sahara Club, Tehsil Khanauri. The time was 08.40 PM. In the meantime, one secret information was received by HC Hardeep Singh that Pawan Kumar was calling the general public to play gambling with him by staking money on the numbers and was openly saying in loud voice that he would pay amount of Rs. 80 if the numbers staked by the person comes out and if the number is missed, the amount will be forfeited. If the raid be conducted, the accused could be apprehended. On believing the information, the Ruqa was scribed and was sent through Constable Arshpreet Singh for registration of the FIR. The FIR was registered. Thereafter, the police party reached at the spot. HC Hardeep Singh handed over the currency note of Rs. 50 bearing No.6CE789977 to HC Ranjit Sharma who was in civil dress and directed him to stake the money with the accused on number 86 and also directed to give them a signal after receiving the *Parchi*. HC Ranjit Singh staked the currency note of Rs. 50 at number 86 and obtained the *Parchi* from the accused. Thereafter, he gave signal to the police party and the police party apprehended the accused and also recovered one cardboard, currency notes of Rs. 2040/- including the currency notes of Rs. 50 given by HC Ranjit Sharma. The case property was

taken into police possession. The rough site plan was prepared. The accused persons were arrested. The statement of witnesses under Section 161 of Cr.P.C. were recorded. After completion of the investigation, the present challan was prepared against the accused persons.

3. Upon the presentation of challan, copies of the same were supplied to the accused persons, free of costs, as per provisions of section 207 Cr.P.C.

Charge Framed

4. On the basis of prima facie case, charge under section 13-A of The Public Gambling Act was framed against the accused, to which the accused pleaded not guilty and claimed trial.

Witness Examined

5. In order to prove its case, the prosecution has examined following witnesses:-

Pws	Name	Evidence	Exhibit
PW-1	HC Ranjit Sharma	Ruqa	Ex.P1
		FIR	Ex.P1/A
		Recovery memo	Ex.P2
		Currency notes memo	Ex.P3/A
		Currency notes memo	Ex.P3
		Rough site plan	Ex.P4
		Darra Satta Slip memo	Ex.P5
		Obtaining Parchi	Ex.P5/A

		Dara Satta	
		Arrest memo	Ex.P6
		Personal Search Memo	Ex.P7
		Case property	Ex.MO1 to Ex.MO4
PW-2	HC Hardeep Singh	Statment	

Thereafter, Ld. APP for the State has closed the evidence on behalf of prosecution.

6. The statement of accused under section 313 Cr.PC were recorded, in which they were appraised with all the incriminating evidence appearing against them, to which the accused pleaded innocence and stated that they have been falsely implicated in this case on the basis of false evidence as alleged and false investigation.

7. The opportunity was given to accused to produce evidence in his defence, but they have not examined any witness.

Arguments

8. This Court has heard the learned APP for the State and the learned counsel for the accused and with their able assistance, has gone through the evidence on record.

9. The learned APP for the State argued that the prosecution has successfully proved its case for the commission of offences punishable under sections U/s. **13-A** of The Public Gambling Act by way of evidence oral as well as documentary. All the witnesses have successfully deposed about their respective roles played by them during

the investigation of the case. Therefore, the accused deserves to be convicted and be punished under law.

10. On the other hand, the learned Defence counsel has controverted all the contentions raised above. He vehemently argued that prosecution has miserably failed to prove its case against the accused. He further argued that the evidence is to be shifted on the basis of preponderance of probabilities and the accused are falsely implicated in the case. He has further argued that the FIR against the present accused for the offences is not at all made out and he is entitled to be acquitted in the case.

Evidence Adduced

11. To prove its case against accused, the prosecution has examined PW-1 HC Ranjit Sharma who has deposed that he along-with IO HC Hardeep Singh and police party was present Near Sahara Club, Khanauri in connection with patrolling duty. The time was about 8:40 pm. IO HC Hardeep Singh received the secret information that accused Pawan Kumar was present near grain market, Khanauri and was calling the General Public to play Gambling with him. The accused was saying in very loud voice that who would play the gamble of Rs. 1 with him and if his number would come, the accused would pay the amount of Rs. 80/- to him, if the number will not come, the amount of the accused will be forfeited. IO scribed police proceedings as Ex. P1 and sent through Constable Arshpreet Singh to the police station for

the registration of case, where FIR Ex.PI/A was registered under the signatures of ASI Kuldeep Singh. HC Ranjit Singh was already in civil dress and IO HC Hardeep Singh handed over to him the currency note of Rs. 50/- bearing no. 6CE789977 vide memo Ex.P2 and further directed him to play gamble at no. 86 with the accused and to receive the *parchi Darra Satta*. As per the direction of HC Hardeep Singh, HC Ranjit Sharma went to the accused on spot and played the gamble with him on no. 86 and he obtained the *parchi darra Satta* Ex.P5/A from him and HC Ranjit Sharma gave the required signal to the shadow witness, Constable Arvind Kumar and IO HC Hardeep Singh along-with police party reached at the spot and accused was apprehended. On checking, a ball pen was found in his right hand and a cardboard along-with *parcha darra Satta* Ex.P3/A along-with currency notes of Rs. 2040/- including currency note of Rs.50/- was handed over by HC Ranjit Sharma were found. IO Hardeep Singh took the entire recovered case property in police possession vide recovery memo Ex.P3, HC Ranjit Sharma handed over *parchi darra satta* Ex.P5/A to IO HC Hardeep Sharma vide memo Ex.P5. The rough site plan was prepared as Ex.P4. Accused was arrested vide arrest-cum-intimation memo Ex. P6 and his personal search was conducted vide search memo Ex.P7. IO Hardeep Singh recorded the statement of HC Ranjit Sharma. The case property was produced in court as Ex. MO1 and Ex.MO2.

12. The Prosecution has further examined IO HC Hardeep Singh as PW-2 who has deposed that on 12.04.2021 he along with the police party was present Near Sahara Club, Tehsil Khanauri in connection with patrolling duty. The time was about 8:40 pm. He received a secret information that the accused Pawan Kumar was doing gambling at grain market, Khanauri. HC Hardeep Singh scribed police proceedings as Ex.P1. On the basis of which the FIR was registered as Ex.P1/A. The memo for handing over the currency note is Ex.P2. Thereafter HC Hardeep Singh reached at the spot and Ranjit Sharma gave a signal to HC Hardeep Singh after obtaining *parchi datta satta* as Ex.P5/A. IO apprehended the accused and found the card board along with *parchi dara satta* and currency notes Rs. 2040/- vide memo Ex. P3/A. HC Hardeep Singh took into police possession memo Ex.P3. HC Ranjit Sharma handed over *parchi darra satta* Ex.P5. The Rough site plan was prepared as Ex.P4. The Arrest memo was prepared as Ex.P6. The Personal search memo was prepared as Ex.P7. After completion of investigation, the present challan was prepared and presented into Court by SHO Khanauri.

Points of Determination

13. *Whether the accused was found indulging in gambling with playing cards and while staking the money of general public and has committed the offence punishable under section 13-A of Public Gambling Act ?*

Findings:-

14. The accused in the present case has been charged for the offence punishable under section **13-A of Gambling Act**. In order to bring home the guilt of the accused, the prosecution has examined HC Ranjit Sharma who has deposed that he along-with IO HC Hardeep Singh and police party was present at Near Sahara Club, Khanauri in connection with patrolling duty. The time was about 8:40 pm. The IO HC Hardeep Singh received a secret information that the accused Pawan Kumar was present near grain market, Khanauri and was calling the General Public to play Gamble with him. The accused was saying in very loud voice that who would play the gamble of Rs. 1 with him and if his number comes the accused would pay the amount of Rs. 80/- to him and if his number do not come, his amount would be forfeited. IO scribed police proceedings as Ex.P1 and sent through Constable Arshpreet Singh to the police station for the registration of case where FIR Ex.PI/A was registered under the signatures of ASI Kuldeep Singh. HC Ranjit Singh was present in civil dress and IO HC Hardeep Singh handed over to him the currency note of Rs. 50/- bearing no. 6CE789977 vide memo Ex P2 and further directed him to play gamble at no. 86 with the accused and to receive the *parchi Darra Satta*. As per the direction of HC Hardeep Singh, HC Ranjit Sharma went to the accused on spot to play the gamble with him on no. 86 and he obtained the *parchi darra Satta* Ex. P5/A from him and HC Ranjit Sharma gave

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the required signal to the shadow witness. Constable Arvind Kumar and IO HC Hardeep Singh along-with police party reached at the spot and accused was apprehended. On checking a ball pen, it was found in his right hand and a cardboard along-with *parcha darra Satta* Ex.P3/A along-with currency notes of Rs. 2040/- including currency note of Rs.50/- handed over by HC Ranjit Sharma were found. IO Hardeep Singh took entire recovered case property in police possession vide recovery memo Ex.P3, HC Ranjit Sharma handed over *parchi darra satta* Ex.P5/A to IO HC Hardeep Sharma vide memo Ex.P5. The rough site plan was prepared as Ex.P4. The accused was arrested vide arrest-cum-intimation memo as Ex.P6 and his personal search was conducted vide search memo Ex.P7. IO Hardeep Singh recorded the statement of HC Ranjit Sharma. The case property was produced in court as Ex. MO1 and Ex.MO2. Further prosecution has examined PW-2 HC Hardeep Sharma Investigating Officer (hereinafter called as IO). He has deposed that on on 12.04.2021 he along with police party were present near Sahara Club, Khanauri in connection with patrolling duty. The time was about 8:40 pm when IO HC Hardeep Singh received a secret information that the accused Pawan Kumar was doing the gambling at grain market, Khanauri. HC Hardeep Singh scribed police proceedings Ex.P1. On the basis of which FIR was registered as Ex.P1/A. The Memo for handing over the currency note was prepared as Ex.P2. Thereafter HC Hardeep Singh reached at the spot and Ranjit Sharma

gave a signal to HC Hardeep Singh after obtaining *parchi datta satta* as Ex.P5/A. HC Hardeep Singh apprehended the accused and found the card board along-with *parchi dara satta* and currency notes of Rs. 2040/- vide memo Ex.P3/A. HC Hardeep Singh took into police possession case property vide memo Ex.P3. HC Ranjit Sharma handed over *parchi darra satta* Ex.P5. The Rough site plan was prepared as Ex.P4. The Arrest memo was prepared as Ex.P6. The Personal search memo was prepared as Ex.P7.

15. The prosecution by examining the witness has proved that the accused has committed the offence for which he is charged. The witness has categorically deposed against the accused. PW-1 HC Ranjit Sharma has identified the accused and the case property. This way prosecution has been able to prove on record the guilt of the accused beyond reasonable doubt.

16. It has been argued by Ld. Counsel for the accused that accused has been falsely implicated in this case but no evidence has been brought by accused in this regard. There is nothing on record to suggest that accused has been falsely implicated in this case and even no motive has been assigned that why prosecution witness has deposed against him.

17. It been argued by Ld. Counsel for the accused that no independent witness has been joined in the recovery proceedings, but in

absence of independent witness, testimonies of prosecution witnesses are to be seen minutely.

18. So, keeping in view of above discussed circumstances, it can be said that prosecution has been able to prove its case against accused, beyond reasonable doubts. As such accused Pawan Kumar **stands** convicted of charge under section 13-A of The Public Gambling Act, framed against him. Let he be heard on quantum of sentence.

**Pronounced in open Court :
Date of order :28.11.2023**

**Indu Bala, PCS
Sub Divisional Judicial Magistrate,
Moonak (UID-PB00368).**

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Quantum of Sentence

**Present:- Sh. Chander Goyal, APP for the State
Convict Pawan Kumar with counsel Shri Parmanand
Sharma, Advocate.**

19. I have heard Sh.Chander Goyal, Learned APP for State and convict in persons on the quantum of sentence and have gone through the record carefully. Convicts have pleaded that they are poor person.

20. Since the convicts have committed offence under section 13-A of The Public Gambling Act, they are sentenced to pay fine of Rs. 50/- and in default of payment of fine to further undergo simple imprisonment for one month for charge under section 13-A of The Public Gambling Act. File be consigned to record room after due compilation.

**Pronounced in open Court :
Date of order :28.11.2023**

**Indu Bala, PCS
Sub Divisional Judicial Magistrate,
Moonak (UID-PB00368).**

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**Present:- Sh. Chander Goyal, APP for the State
Accused Pawan Kumar on bail with counsel Shri
Parmanand Sharma, Advocate.**

Arguments heard. Vide my separate detailed judgment of even date the accused persons have committed offence under section 13-A of The Public Gambling Act. File be consigned to record room after due compliance.

**Pronounced in open Court :
Date of order :28.11.2023**

**Indu Bala, PCS
Sub Divisional Judicial Magistrate,
Moonak (UID-PB00368).**

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