

**In the Court of Ms. Sarabjeet Kaur, PCS, Judicial Magistrate Ist
Class, Hoshiarpur. (UID No.PB0620).**

CIS No. : CHA-82-2023.
Date of Instt. : 03.04.2023
CNR No. : PBHO030026182023
Date of decision : 16.11.2023

State Versus Sher Singh S/o Chanan Singh R/o Village
Hardokhanpur, PS Model Town, Hoshiarpur.
.....Accused

FIR No. 39 dated 02.02.2023
U/S 13A-3-67 of Gambling Act,
Police Station : Model Town, Hoshiarpur.

Present: Sh. Moninder Singh, Ld. APP for State.
Accused Sher Singh on bail with counsel Sh.
P.K. Shiv, Advocate.

JUDGMENT:-

The above named accused has been sent by SHO, Police Station Model town, Hoshiarpur, for facing trial before this court for the offence punishable under Section 13A-3-67 of Punjab Gambling Act.

2. The brief facts of the case of prosecution are that on 02.02.2023 ASI Shamsher Singh, ASI Sukhjinder Singh, ASI Gurbachan Singh along with other police party were on patrolling on private vehicle in connection with checking of bad and suspicious elements and were present at Kamalpur chowk where they received a secret information that Sher Singh S/o Chanan Singh R/o Village Hardokhanpur, PS Model Town, Hoshiarpur is alluring members of general public to play darra satta at shop in Lakshmi Market, Hoshiarpur while saying that whose so ever will stake money at particular number and if that number comes he will gave Rs. 900/- for Re. 10/-, failing which, the stake money will be forfeited. If raid is conducted the accused can be apprehended. Upon which, ASI Shamsher Singh prepare the raiding party along with other police officials who were already in the civil dresses and ASI Shamsher Singh handed over note of Rs. 50/-

to ASI Sukhjinder Singh after marking his initial as 'SS' on the same and ASI Gurbachan Singh was included as shadow witness and was order to follow Sher Singh. When ASI Sukhjinder Singh went to Sher Singh and gave a note of Rs. 50/- to him on Darra Satta. Thereafter, he demanded parchee and when he received parchee from him then on the gesture of ASI Gurbachan Singh, ASI Shamsheer Singh along with other police officials came to the spot and apprehended the said person disclosed by secret informer who was playing the darra satta. On inquiry he disclosed his name as Sher Singh S/o Chanan Singh R/o Vill Hardokhanpur, PS Model Town, Hoshiarpur. Before conducting his personal search, police party tried to join the independent witness, but nobody was ready to join the police party. Thereafter, search was conducted and during the search of Sher Singh, one ball pen from right hand, parcha darra satta, one cardboard from left hand, and from the left pocket of his shirt currency of Rs. 580/- in which 50 Rupees with short initial 'SS' was also recovered. Then articles which were recovered from the accused were taken into possession vide separate recovery memo. Thereafter personal search memo, arrest and intimation memo was also prepared. Thereafter ruqa was sent to the police station through PHG for registration of FIR. On the basis of information FIR was registered. Further investigation was carried out. Site plan of place of recovery was prepared. After completion of investigation, challan against the accused u/s 13A-3-67 of Gambling Act was presented in the court for trial.

3. On appearance of accused, complete copies of the challan, as required under Section 207 Cr.P.C were supplied to accused, free of costs.

4. Finding a prima facie case to be punishable under Sections 13A-3-67 of Gambling Act, notice of accusation was served upon the accused, to the contents of which, he did not plead guilty and claimed trial.

5. In support of allegations, the prosecution got examined ASI Parvinderjit as PW1, ASI Sukhjinder Singh as PW2. Thereafter, Ld. APP for State has given up ASI Gurbachan Singh and SI Harprem Singh and thereafter close prosecution evidence vide his separate statement.

6. Statement of accused under Section 313 Cr.PC was recorded, in which, all the incriminating pieces of evidence were put to accused, who denied the same and pleaded that he is innocent and has been falsely implicated in this case.

7. Case was fixed for defence evidence. Accused Sher Singh came present in court with his counsel. However, accused expressed his intention to confess his guilt. He was appraised that any such confession could be used against him but he still insisted. Accordingly, his confessional statement was recorded separately.

8. I have heard the learned APP for State and the accused with counsel. This court is satisfied that confession made by the accused is voluntary, without any allurement, pressure or threat from any quarter.

9. In view of above confession made by accused, I convict the accused for offence punishable under Sections 13A-3-67 of Gambling Act. Accused is on bail. Let he be taken into custody and be heard on the quantum of Sentence.

Announced.

16.11.2023

Vandana (Steno-II)

(Sarabjeet Kaur, PCS),
Judl. Magistrate Ist Class,
Hoshiarpur.
UID No.PB0620.

QUANTUM OF SENTENCE:-

Present: Sh. Moninder Singh, Ld. APP for State.
 Convict Sher Singh in custody with counsel Sh.
 P.K. Shiv Advocate.

ORDER:-

The convict stated that he is poor and only bread winner of his family, as such, he prayed that a lenient view may be taken in the matter of sentence. On the other hand, Ld. APP stated that the accused does not deserve any leniency. Heard. The offence for which accused has been challaned, is only petty in nature. Keeping in view the peculiar facts and circumstances of the case, the accused is ordered to pay fine of ₹.500/- under Sections 13A-3-67 of Gambling Act. Fine paid. Receipt issued. Case property, if any be disposed off, as per law. File be consigned to Judicial Record Room Hoshiarpur, after due compliance.

Announced.

16.11.2023

Vandana (Steno-II)

(Sarabjeet Kaur, PCS),
 Judl. Magistrate Ist Class,
 Hoshiarpur.
 UID No.PB0620.

State Vs. Sher Singh (CHA 82-2023)
(CNR No.PBHO030026182023)

Present: Sh. Moninder Singh, Ld. APP for State.
Accused Sher Singh on bail with Sh. P.K. Shiv,
Advocate.

No DW is present. However, accused expressed his intention to confess the guilt. He was appraised that any such confession could be used against him but he still insisted. As such, his confessional statement in this regard is recorded separately.

Heard. Vide my separate detailed judgment of even date, accused has been convicted and he is ordered to pay fine of ₹.500/- under Section 13A-3-67 of Gambling Act. Fine paid. Receipt issued. Case property, if any be disposed off, as per law. File be consigned to Judicial Record Room Hoshiarpur, after due compliance.

Announced.
16.11.2023

Vandana (Steno-II)

(Sarabjeet Kaur, PCS),
Judl. Magistrate Ist Class,
Hoshiarpur.
UID No.PB0620.