

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8053 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JAYBHOLE GYMKHANA PVT. LTD

Versus

DISTRICT SUPERINTENDENT OF POLICE

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Appearance:

MR AR MAJMUDAR for Petitioners

MR CC BHALAJA, AGP for Respondents

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 27/02/98

ORAL JUDGEMENT

Leave to amend. Draft amendment is allowed.

Rule. Mr CC Bhalaja, learned AGP waives service of Rule for the respondents.

The petitioners, namely the Club and the director concerned have presented this petition, asking for the principal prayer for the issuance of a writ of mandamus

or any other appropriate writ or direction, restraining the respondents, their agents and servants not to interfere in the game of Rummy being played by the members of the Club within the Club premises.

Learned Counsel Mr A.R. Majmudar, who appears on behalf of the petitioners, placing reliance upon the Supreme Court decision in The State of Andhra Pradesh, Appellant v. K. Satyanarayana and others, Respondents, AIR 1968 SC 825, urges that the game of Rummy is not a game entirely of chance and it is mainly a game of skill, and that, therefore the said game cannot be said to be an offence under the Prevention of Gambling Act, 1987. It is indeed true that the same is the say of the Supreme Court in the said decision. Therefore, the contention coming from learned counsel Mr Majmudar saying that the game of Rummy is not a game entirely of chance and is mainly a game of skill shall have to be accepted by me.

Mr Majmudar has also invited my attention to the decision dated November 20, 1997 rendered by this Court (Coram : Hon'ble Mr Justice S.D. Dave) in Special Civil Application 5475 of 1997 taking a view that the game of Rummy does not amount to gambling and, therefore, the police authorities cannot interfere with the same game being played while enforcing the provisions of the Bombay Prevention of Gambling Act, 1987.

Therefore, regard being had to the contentions coming from learned counsel Mr Majmudar and the say of the Supreme Court in case of The State of Andhra Pradesh (supra) and the decisions of this Court, it appears that the present petition requires a recognition and the rule requires to be made absolute. I order accordingly and direct that the respondents shall not interfere with the game of Rummy being played by the members of petitioner No. 1 Club in the Club premises. These orders shall never preclude the concerned respondent or the officers working under them from taking appropriate action under appropriate provisions of the relevant law and the rules, if it is found that the member or the members of the Club are playing any other game which could be said to be objectionable or prohibited under the law or the rules.

Rule is made absolute to the above said extent.  
No order as to costs.

(M.S. Shah, J.)