

Talaksi Malsi Sawala and Others

Vs

State of Maharashtra

Criminal Appeal No. 1 of 1973

(Syed M. Fazal Ali, A. D. Koshal JJ)

09.02.1979

JUDGMENT

FAZAL ALI, J. –

1. This appeal by certificate is pressed by the learned counsel for the appellants only on the question of sentence. There are 25 appellants in this case and have been convicted under various provisions of the Bombay Prevention of Gambling Act. The first appellant according to the allegations of the prosecution, was the keeper of the gaming house. The occurrence took place as far back as 1968, that is to say, about 11 years ago. In these circumstances, we do not feel it will be conducive in the interest of justice to send back the accused to jail for a very short term. We, therefore, set aside the sentence of imprisonment in case of all the appellants and convert the sentences into one of fine in the following manner.

2. Appellant 1 Talaksi Malsi Sawala is sentenced to a fine of Rs. 2000 including a sum of Rs. 500 which has already been imposed by the High Court, in default one month's rigorous imprisonment.

3. The sentences of imprisonment of rest of the appellants are also set aside and the sentences are converted into a fine of Rs. 400 each including the amount which has been imposed by the trial Court, in default one month's rigorous imprisonment. A month's time is allowed to all the appellants to pay to fine, after which they will be discharged from their bail bonds. The convictions of the appellants are, however, upheld. With this modification the appeal is dismissed.

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