
(1924) 04 AHC CK 0072
In the Allahabad High Court

Hapoo Mal

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 22-04-1924

Acts Referred:

Penal Code, 1860 (IPC) — Section 290

Citation : 83 Ind. Cas. 695

Hon'ble Judges : Daniels, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Daniels, J.—The applicant Hapoo has been convicted along with a number of other persons of committing public nuisance u/s 290 of the Indian Penal Code and his conviction has been upheld by the lower Appellate Court. It appears, that there was a very large crowd of persons engaged in satta gambling in front of the shops of the accused and other persons and that this crowd was so great as to stop the traffic in the street for the space of half an hour. This was not the first time that such a crowd had collected, On a previous occasion a similar crowd had collected for the same purpose and a man had been killed owing to a stampede taking place in the crowd on the approach of the Police. The Trial Court acquitted the owners of the satta shops except the accused but convicted him on the ground that he was outside among the crowd. The lower Appellate Court held that the accused in fact was outside but disagreed with the reasoning of the Trial Court. If a crowd collects and obstructs the traffic so as to cause a nuisance, the person who is directly responsible for the crowd collecting is obviously not less but more guilty than the other persons who form the crowd and this would be equally the case whether he were inside or outside his shop at the precise moment when the Police appeared. No one is allowed to make use of his premises in such away as to interfere with the rights of the public. There is no reason for interfering with the conviction in this case and I dismiss the application.