

Bangali Shah Vs. Emperor

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Court : Kolkata

Decided On : Mar-13-1913

Reported in : (1913)ILR40Cal702

Judge : Coxe and ;N. R. Chatterjea JJ.

Appellant : Bangali Shah

Respondent : Emperor

Judgement :

Coxe and N. R. Chatterjea, JJ.

1. This was a Rule to show cause why the order binding the petitioner down to be of good behaviour, on the ground that he had no ostensible means of subsistence, should not be set aside on the ground that the facts found did not justify it. It appears that the petitioner's means of subsistence is the conduct of what is known as the 'ring' game. Such a means of subsistence is certainly ostensible, and it will appear from the decision in the case of Han Sing v. King-Emperor (1907) 6 C. L. J. 708. that it is not an offence under the Gambling Act to conduct such a game. It is quite clear also that the game can be honestly conducted. The mere fact that the petitioner lives by this means does not justify the conclusion that he has no ostensible means of subsistence. The Rule is accordingly made absolute, and the order set aside.