

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPPIL No. 37 of 2025****Sunil Namdeo *Versus* State Of Chhattisgarh & Others****Order Sheet**

04/04/2025	<p>Heard Mr. Amrito Das, learned counsel for the petitioner. Also heard Mr. Prafull N Bharat, Advocate General assisted by Mr. Shashank Thakur, learned Deputy Advocate General for the State/respondents No. 1 to 3 as well as Mr. Tushar Dhar Diwan, learned counsel for the respondent No. 4.</p> <p>On the last date of hearing i.e. on 24.03.2025, this Court had directed the Secretary, Department of Home Affairs, Government of Chhattisgarh to file his personal affidavit in the matter.</p> <p>In compliance of the aforesaid, the Secretary, Department of Home Affairs, Government of Chhattisgarh has filed his affidavit, the relevant portion of which reads as under:</p>

“4. That, in compliance of the order dated 24/03/2025 passed by the Hon'ble Court, the deponent most humbly and respectfully submits as under :-

a. That, the deponent respectfully submits that he has the highest regards and great respect for the lawful authority of this Hon'ble Court and its orders and direction issued from time to time.

b. That, the respondent No. 1 herein respectfully submits that, he was given additional charge of Secretary, Department of Home & Jail, Government of Chhattisgarh as on 30-08-2024, copy of the order dated 30-08-2024 is being filed as ANNEXURE A/1. Pursuant to the said order, the respondent No. 1 has taken the charge on 03-09-2024, which is filed herewith as ANNEXURE A/2.

It is respectfully submitted that the respondent No. 1 is working under the supervision of the Additional Chief Secretary, Government of Chhattisgarh, Department of Home. Copy of the order dated 03-01-2024 is being filed as ANNEXURE A/3. The content of affidavit is duly approved by incharge secretary that is Additional Chief Secretary, Government of Chhattisgarh, Department of Home.

c. That, in the State of Chhattisgarh, an act to curb the tendency of extracting illegal money by involving in gambling and Satta and to prevent the social evil of gambling and online gambling and to prevent the

consequential financial trouble on the facilities in the State of Chhattisgarh and for relating to and incidental thereto has been enacted in the name and style of the Chhattisgarh Gambling (Prohibition) Act, 2022 (hereinafter referred to as the Act, 2022).

d. That, the Act, 2022 has been enacted by the Legislature after taking into account the fact that the new methods and devices are being used to cheat and dupe the innocent people. It is respectfully submitted that in the definition clause, Section 2(b) defines the instrument of Gambling which includes cards, dice table for Gambling, cloth, any article used or intended to be used as a subject or means of gambling, register, record or electronic record, electronic device, mobile app, any document / electronic records made or indented for the purposes of electronic transfer of fund, or the proceeds of any Gambling and the winning or prizes in money or otherwise distributed or to be distributed in respect of any gambling.

e. That, Section 2(d) of Act, 2022 defines the "Online Gambling" which means to involve online in any Gambling or competition or any Gambling in any form in any name whatever it may be or accepting the method in any form of combination of any digits or figures or signs or symbols or pictures or by any process of selection, or obtains online or attempts to obtain online or abets to obtain online through

computer, computer application, computer network, computer system or mobile app or internet or any other communication device, electronic application, software or any virtual platform of such digits or figures or signs or symbols or picture.

f. That, Section 2(e) of Act, 2022 defines the Game of skill which means that outcome of the game is predominantly determined by the knowledge, training, expertise and experience of the participant and further defines Game of chance which means that outcome of the game is not predominantly determined by the knowledge, training, expertise and experience of the participant but it determined by the chance and luck.

g. It is respectfully submitted that as per Section 7 of the Act, 2022, there is a provision for penalty of online Gambling. It is further respectfully submitted Section 10 of the Act, 2022 prescribes the prohibition on advertisement in electronic / print media of gambling games where chance prevails over the skills and Section 11 of the Act, 2022 provides for penalty for contravention of Section 10.

h. It is respectfully submitted that from a bare perusal of the above mentioned provisions, it is crystal clear that the Act 2022 has been drafted taking into account the possible exigencies which may arise due to rapid increase in computerization and increase in use of various social media platforms for betting.

i. It is respectfully submitted that the Police Authorities of various districts of State of Chhattisgarh have registered crimes against the erring persons on the basis of the information received from the Informant or on the basis of the complaint being made by the aggrieved party.

j. At this juncture, it is necessary to mention and point out that after the enactment of the Act, 2022, the Police has taken continuously action against the erring persons under the provisions contained in the Act, 2022 and as on February, 2025 total 444 cases of online gambling /Satta have been reported in which 1002 persons have been arrested and in 383 cases are pending before the competent court of law and the police has seized the cash and other articles amounting to Rs. 2,19,63,430/-. Copy of the details of the action taken by the Police under the Act, 2022 in various districts of State of Chhattisgarh is being filed herewith as Annexure A/4.

k. It is respectfully submitted that during the year 2022 to 2024, 77 crimes have been registered against the Mahadev Online Gambling Cases, out of which 46 cases are under trial, in 09 cases, accused were fined and convicted by the Hon'ble Court, 10 cases under investigation (173(8), CRPC) and 12 cases are under investigation in various Police Station of District- Raipur, Durg, Bilaspur and Surajpur of Chhattisgarh State against the perpetrators who operated and

indulged with Mahadev Online Gambling Platforms and other associated Platforms. It provides platforms for illegal betting in different online games, 09 cases have been decided by the Hon'ble Court. A copy of the detailed report is being filed herewith as Annexure-A/5

l. It is respectfully submitted that in the instant petition, the petitioner has submitted a representation before the authorities wherein it has been submitted that there are various betting platforms available in the internet and names of some of such platforms are also provided. It is submitted that acting on the representation submitted by the petitioner, the Inspector General, Cyber, Police Headquarters, Raipur issued a letter to all the Superintendent of Police and Cyber Police Stations of State of Chhattisgarh to carry out the investigation into the allegations levelled against online betting and gambling platforms as such Probo, Better Opinions, Coolboost (Predchamp), TradeX, Sports Bazzi and submit a report. Copy of the letter dated 28/03/2025 is being filed herewith as Annexure A/6.

m. It is further respectfully submitted that the information provided by I.G. Cyber Police Headquarters Raipur that none of case regarding online betting or fraud have been reported against the above mentioned platforms in any of the districts. A copy of the information with respect to the same is

being filed herewith as Annexure A/7.

n. It is most respectfully submitted that taking cognizance of the news items published in the various newspapers with regard to online betting and gambling, the Senior Superintendent of Police, District Raipur has already issued the advisory in this regard directing all the concerned advertising agencies, newspapers and TV Channels and Portals not to encourage such online betting and gambling being illegal activity by publishing the news items in the newspapers, Hoardings and TV Channels. Copy of the advisory dated 27/06/2023 is being filed herewith as Annexure A/8.

o. It is most respectfully submitted that the Act, 2022 are very comprehensive in nature, however, since no complaint with regarding to online betting and gambling is received and whenever any complaint/Information is received by the Police, stern action against the persons involved in such illegal online betting and gambling would be taken in accordance with the Act, 2022.

5. That, the deponent respectfully submits that from the aforesaid, it would be apparent that to curb the tendency of extracting illegal money through online betting and gambling, all possible action has continuously been taking by the Police against the persons involved in such illegal online betting and

gambling, so that the very object and purpose behind framing of the Act, 2022 could be achieved. It is further respectfully submitted that the deponent being a law abiding citizen, is a duty bound to adhere to and abide by the orders of the Hon'ble Court.”

Mr. Das, learned counsel for the petitioner has drawn attention of this Court to paragraph '1' onwards of the aforesaid affidavit which goes to show that the affidavit filed by the State/respondents No. 1 to 4, is self contradictory to which learned Advocate General refuted and submits that the State may be granted some time to file a detailed affidavit with respect to the issues involved in this petition.

Prayer is allowed.

Three weeks time is granted to the State/respondents No. 1 to 4 to file a detailed affidavit. In the meantime, the respondent No. 5/Union of India, may also file its return to this petition.

Let this matter be listed again on **06th of May, 2025**.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE