

2025 LiveLaw (SC) 647

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SURYA KANT; J., NONGMEIKAPAM KOTISWAR SINGH; J.

SLP (CIVIL) NO. 3969 OF 2023; MAY 14, 2025

HANUMANTHARAYAPPA Y.C. *versus* THE STATE OF KARNATAKA & ORS.

Police Act, 1963 (Karnataka) - Section 87 - Cooperative Societies Act, 1959 (Karnataka) - Section 17(1) - Gambling - Moral Turpitude - Held, playing cards, for which the appellant was convicted under Section 87 of the Karnataka Police Act, does not inherently involve moral turpitude. Not every instance of playing cards, particularly when done as a form of entertainment, constitutes moral turpitude, which requires conduct that is inherently base, vile, or depraved. The appellant, not a habitual gambler, was fined Rs. 200 without trial for playing cards on a roadside. The disqualification of the appellant from the Board of Directors of a Cooperative Society was disproportionate to the misconduct. The Supreme Court set aside the disqualification, restoring the appellant's election to the Board, as the impugned action was unsustainable. (Paras 5 - 7)

For Petitioner(s): Mr. Anand Sanjay M. Nuli, Sr. Adv. Ms. Akhila Wali, Adv. Mr. Nanda Kumar K.B., Adv. M/S. Nuli & Nuli, AOR

For Respondent(s): Mr. D. L. Chidananda, AOR Mr. Sameer Kumar, AOR

ORDER

1. Leave granted.
2. The appellant contested and was elected to the Board of Directors of respondent No.3-Society by securing the highest votes. The election was held on 12.02.2020.
3. Respondent No.5, who lost the election, raised an election dispute before the Joint Registrar of Cooperative Societies, *inter alia*, alleging that the appellant was convicted in a criminal case (CC No.1241/2018) for the offence punishable under Section 87 of the Karnataka Police Act, 1963, allegedly for gambling. As such, he being guilty of an offence involving moral turpitude, his election was liable to be set aside in view of Section 17(1) of the Karnataka Cooperative Societies Act, 1959.
4. The Prescribed Authority, namely, respondent No.2, accepted the petition of respondent No.5 and set aside the appellant's election on the above-mentioned ground. His appeal as well as writ petition before the High Court having been turned down, the appellant is before this Court.
5. We have heard learned senior counsel/counsel for the parties and perused the record. It seems from the allegation that some persons, including the Appellant, while sitting on the side of the road, were playing cards. They were apprehended at the spot and a fine of Rs.200/- was levied on the appellant without any trial etc. In the very nature of things, we find it difficult that the misconduct attributed to the appellant involves moral turpitude. It is well known that the expression "moral turpitude" is used in legal as well as societal parlance to describe a conduct which is inherently base, vile, deprave or having some connection showing depravity. Every action against which one can raise eyebrow may not necessarily involve moral turpitude. There are so many forms of playing cards. It is difficult to accept that every form of such playing would involve moral turpitude, especially when it is played as a mode of entertainment and recreation. In fact, in most of the parts of our country, playing simplicitor cards, without an element of gambling or

betting is accepted as a poor man's source of entertainment. That apart, the appellant has not been found to be a habitual gambler.

6. Pertinently, the appellant has been elected to the Board of Directors of the Respondent No. 3 Society with the highest votes. The consequential punishment of setting aside his election is highly disproportionate to the nature of misconduct said to have been committed by him.

7. For the reasons aforesaid, we are satisfied that the impugned action taken against the appellant cannot be sustained. The appeal is consequently allowed. The judgment of the High Court as well as the orders passed by the authorities under the Karnataka Cooperative Societies Act, 1959 are set aside and the election of the appellant to the Board of Directors of the Government Porcelain Factory Employees Housing Co-operative Society Ltd. (respondent No.3) is restored till he completes his prescribed tenure.

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