

MHBU180009552022



S.C.C. No. 632/2022

State v. Nitin

Exhibit No.

Record of S.C.C. 632/2022 tried in Summons way under Chapter XX
of the Criminal Procedure Code.

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
COURT SANGRAMPUR.

1. Date of Commission of Offence :- 17-09-2021
2. Date of the report :- 17-09-2021
3. Name of the informant :- Police Station Officer,
Police Station, Tamgaon,
Taluka Sangrampur
District Buldana.
4. Name of the accused :- Nitin Mukunda Wankhede
Aged: 32 years, Occ.: Labour,
R/o.: Kakanwada,
Taluka Sangrampur,
District Buldana.
5. Particulars of the offence :-

That on 17-09-2021 at around 13.00 hours at Kakanwada, you accused was found gaming with money in a place which the public have access and thereby committed an offence punishable under Section 12(a) of the Maharashtra Prevention of Gambling Act, 1887 and within my cognizance.

6. Plea of accused and examination, if any :-

Q.1 : Have you received the copies of police papers?

Ans Yes

Q.2 : Have you understood the particulars of offence now explained and read over to you?

Ans Yes

Q.3 : Do you plead guilty?

Ans. Yes, I plead guilty.

Signature/T.I. of accused

Recorded before me

Date: 10-10-2022

(Uday S. Ivare)
Judicial Magistrate First Class,
Sangrampur.

ORDER BELOW EXHIBIT 1

The Accused namely **Nitin Mukunda Wakode** is present in person.

2. The accused has pleaded guilty to having committed an offence punishable under section 12(a) of the Maharashtra Prevention of Gambling Act, 1887. The accused was explained the consequences of pleading guilty. He was also explained that by pleading guilty he should not expect any leniency.

3. The accused was offered time for reflection to reconsider his plea. The accused has however, submitted that he has fully understood the consequences of pleading guilty and that his plea is well informed. The accused has also submitted that his plea is clear, voluntary and unequivocal and that no time for reflection was

required. I have duly ascertained from the accused that the particulars explained are fully understood to him. I have also duly ascertained from the accused that his plea is voluntary, unambiguous and well informed. I, thus, accept the plea of the accused and convict the accused.

4. Considering whether the benefit of Probation of Offenders Act can be extended to the accused. It is to be noted that the object of the Maharashtra Prevention of Gambling Act, 1887 is to curb the menace of gambling. However, the accused with such acts is constantly hindering the ultimate purpose of the act. It is also necessary to note that due to such acts of the accused the various government agencies have to constantly expend their valuable resources. Moreover, by involving himself into such acts of gambling the accused has not only put his own life at peril but has also put the life of others under vagrancy. Deterrence has to be one of the prime considerations while sentencing the accused. Thus, such antecedents of the accused do not deserve any leniency. I, therefore, do not find it expedient to extend such benefit to the accused.

5. Heard the accused on the point of sentence. It is submitted by the accused that since the accused has pleaded guilty at the first available opportunity. He has also stated that he is a first time offender and has no prior criminal record. Hence, prayed for showing lower fine.

6. Considering the submissions made, I am inclined to convict the accused. The accused repents his actions. Hence, there is no need to sent the accused for maximum imprisonment and

punishing him with maximum fine would be enough deterrence for future. Hence, I pass the following order:

ORDER

1. The accused is convicted under section 252 of the Code of Criminal Procedure for the offence punishable under section 12(a) of the Maharashtra Prevention of Gambling Act, 1887.
2. The accused is sentenced to suffer imprisonment till the rising of court and to pay a fine of Rs.300/- (Three Hundred Rupees only) and in default to suffer simple imprisonment for a period of two days.
3. The amount of Rs.290/- (Two Hundred Ninety only) seized in the offence be credited to the Government.
4. The seized muddemaal being worthless be destroyed after the appeal period is over.

Date: 12-10-2022

(Uday S. Ivare)
Judicial Magistrate First Class,
Sangrampur