

**Record of case tried by summary way vide Chapter XXI of Cr. P. C. by Judicial
Magistrate First Class, Nandgaon Khandeshwar, Dist. Amravati.**

SCC NO.1046/2022

EXH-04

CNR No.: -MHAM-160016862022

1. **Date of Offence** : 15/09/2022
2. **Date of complaint** : 15/09/2022
3. **Name of complainant** : State of Maharashtra,
Through Officer in-charge of
P.S. Mangrul Ch.
4. **Name & address** : Sheikh Mehboob Sheikh Mehtab,
Accused Age: 54 years, Occ: Labour,
R/o. Wadhona Ramnath, Tq. Nandgaon Kh.

5. Particulars of offence:

That, on 15/09/2022 at about 18:00 to 18:30 hours, at weekly market road, at village Wadhona Ramnath, Tq. Nandgaon Kh., you accused were found gaming of money on Warli Matka at public place and thereby committed an offence punishable under Section 12 (a) of Maharashtra Prevention of Gambling Act and within my cognizance.

Date : 12/11/2022

[S.S.Gaikwad]
Judicial Magistrate F.C.
Nandgaon Khandeshwar.

Pleas of accused :

- Q.1 : Have you received the police papers?
Answer: Yes.
Q.2 : Have you understand the particulars of the offence now explained to you in vernacular ?
Answer: Yes.
Q.3 : Do you want to plead guilty of the offence or have any defence to make?
Answer: We do plead guilty.
Q.4 : Do you understand that, you are not bound to plead guilty and if you plead guilty it may be considered against you to convict and punish?
Answer: Yes, We know.

Accused signature/thumb.

Date : 12/11/2022

[S.S.Gaikwad]
Judicial Magistrate F.C.
Nandgaon Khandeshwar

O R D E R

1. The above named accused charged for offence punishable under Section 12 (a) of Maharashtra Prevention of Gambling Act.
2. I have framed particular of offence and read over to the accused in his vernacular. He understood the same. He pleaded guilty. I verified his plea. I put a specific question to the accused that whether he knows the consequences of his plead guilty and it may result in to punishment. The accused stickup with his plea. Moreover, he filed pursis (Exh-02) thereby submitted that he wants to plead guilty. Therefore, I arrived at the conclusion that the accused voluntarily pleaded guilty. I accepted his plea. I hold the accused guilty.
3. The accused submitted that he is poor person. He is sole earning member in his family. His entire family depends on him for their livelihood. He is ready to pay fine amount. Therefore, fine may be imposed on the accused instead of imprisonment. I considered these submissions. The punishment provided for Section 12 (a) of Maharashtra Prevention of Gambling Act is imprisonment may extent to three months and fine of Rs.300/-. I have gone through charge-sheet. It appears that there is no previous criminal antecedent against the accused. So also, the accused is bread winner for his family. Therefore, I am of the opinion that fine of Rs.300/- and punishment till rising of Court should be imposed on the accused. It appears that police-officer seized one chit, carbon and one ball pen and amount of Rs.735/-. The accused pleaded guilty. Therefore, an amount of Rs.735/- be credited to the Government after appeal period. One chit, carbon and ball pen, being worthless be destroyed after appeal period. Hence, I passed following order.

OPERATIVE ORDER

- 1- The accused namely Sheikh Mehboob Sheikh Mehtab, Age: 54 years, Occ: Labour, R/o. Wadhona Ramnath, Tq. Nandgaon Kh. is convicted for the offence punishable under Section 12 (a) of Maharashtra Prevention of Gambling Act vide Section 252 of the Cr.P.C.

- 2- The accused is sentenced to suffer imprisonment till rising of Court and fine of Rs. 300/- (in words Three Hundred only) in default payment of fine, he has to suffer S.I. of 01 days.
- 3- An amount of Rs.735/- (In words Rs. Seven Hundred Thirty five rupees) be credited to the Government after appeal period.
- 4- One chit, carbon and ball pen being worthless be destroyed after appeal period.

Date : 12/11/2022

[S.S.Gaikwad]
Judicial Magistrate F.C.
Nandgaon Khandeshwar