

GJMR020074882022



Presented on : 04-10-2022

Registered on : 04-10-2022

Decided on : 12-11-2022

Duration :

**IN THE COURT OF
CHIEF JUDICIAL MAGISTRATE
AT ,MORBI
(Presided Over by M.J.Khan)**

CC/6775/2022

Exhibit No.13

State of Gujarat

VERSUS

Accused:

CHETANABEN D/O NAVINBHAI GOVINDBHAI GURJAR Age: 30
Occupation : RANCHHODNAGAR, LIONSNAGAR, VISIPARA, MORBI 2
MO. 9054428325

2:SONALBEN NAVINBHAI GOVINDBHAI GURJAR Age: 34
Occupation : RANCHHODNAGAR LIONSNAGAR VISIPARA MORBI 2
MO. 8980690084

3:MANISHABEN PRAVINBHAI CHUDASAMA Age: 25
Occupation : UMIYA PARK SOCIETY VAVDI ROAD MORBI 1 MO.
8238161590

4:GEETABEN VISHRAMBHAI GANATARA Age: 52
Occupation : KRISHNA HOSPITAL MORBI MAIN ADD. - JASTANAGAR
VOKRA FALIYU BHUJ DIST. KUTCH

5:JOSHANABEN KANTIBHAI DAVE Age: 42
Occupation : RAVAPAR RESIDENCY HARIDARSHAN APARTMENT FLAT
NO. 704 NEAR NEW ERA SCHOOL MORBI 1 MO. 9313768991

6:JOSHANABEN DILIPBHAI MANSUKHBHAI SOLGAMA Age: 43
Occupation : VILLAGE - JAMBUDIYA TA. DIST. MORBI MO. 756729969

Offences punishable under : 12 of GUJARAT (BOMBAY) PREVENTION OF GAMBLING ACT, 1887.

Learned APP for the State : H.S.Panchal
Learned Advocate for the all accused : R H PARMAR

:: ORDER ::

(1) Briefly stated story of the prosecution is that the present accused persons were found gaming in the public place and were contravening the provisions of the Gujarat Prevention of Gambling Act, 1887 and thus were arrested by the police for the said offence under Section 12 of the said Act and after investigation, the present case culminated into present charge-sheet against the present accused persons.

(2) Thereafter, the accused were summoned before this Court and supplied with the copy of police report and necessary case documents as per Section 207 of Cr.P.C. and thereafter, as per Section 251 of Cr.P.C., the substance of the accusations as alleged against the present accused persons were stated and the accused persons thereafter, admitted the substance of the prosecution case and pleaded guilty. On the quantum of sentence, the accused persons requested the Court that since they are the only earning member of their family, they will not repeat the same offence and requested to take a lenient view in imposing punishment.

(3) The present offence has been committed by the accused persons U/s 12 of the Gujarat Prevention of Gambling Act, 1887 wherein, upon conviction of the accused, the fine that may be imposed may extent to Rs.300/- and with imprisonment which

may extent to 03 months.

(4) A perusal of the above said provision would indicate that when an offence has been committed under the said provision, the legislature in its wisdom thought fit to impose punishment and fine.

(5) From the above facts, it is clear that the present accused persons have blatantly violated the provisins of the Gujarat Prevention of Gambling Act, 1887 and thus, have committed the present offence and pleaded guilty for the same. Hence, it is evident from the confession of the accused persons that they have committed the present offence, however, the present offence is the sole offence against the present accused persons and they are the only earning members in their family. Hence, considering the overall circumstances of the present case, I feel it apposite to pass the following order:-

::: O R D E R :::

The present accused persons are convicted U/s 252 of Cr.P.C. for the offence U/s 12 of the Gujarat Prevention of Gambling Act,1887 and are hereby ordered to pay each a fine of **Rs.150/- (One Hundred Fifty Rupees)** **and total Rs.900/-(Nine Hundred Rupees)** is punished with the imprisonment till rising of this Court. In case of default of the imposed fine, the accused persons shall suffer simple imprisonment for 02 days.

The valuable muddamal i.e. The money recovered from the accused shall be forfeited to the Government.

Signed & pronounced in the Special Sitting held today on the day of National Lok-Adalat on 12th day of November, 2022.

[Masroor Jalis Khan]
Chief Judicial Magistrate,
Morbi
(GJ 01098)