

**ORDER BELOW EXH.1 IN S.C.C. NO.893/2024**

(CNR No.MHBI11-003285-2024)

The present case is put up before this Court in Special Drive as per the directions of Hon'ble High Court.

2] In the instant case, the accused is alleged to have committed offence punishable under Section 12(a) of the Maharashtra Prevention of Gambling Act, 1887. On going through the record, it reveals that the case is pending for securing presence of accused since long. Despite many efforts, presence of accused could not be secured till date. There is no possibility to secure the presence of accused in near future.

3] Considering the aforesaid reasons, further trial would be a futile exercise. Hence, no purpose would be served in keeping the case pending, as it has already been years altogether. Thus, this is a fit case to resort to Section 281 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Hence, the following order :

**ORDER**

1. The proceeding of the instant case is stopped *vide* Section 281 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 with liberty to the Prosecution to revive the proceeding by showing justifiable grounds.
2. The accused namely, Shivdipak Rambhau Avaghad is discharged from the offence punishable under Section 12(a) of the Maharashtra Prevention of Gambling Act, 1887 *vide* Section 281 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.
3. The seized muddemal, i.e. cash amount be credited to the Government after appeal period is over and remaining seized muddemal being worthless be destroyed after appeal period is over.

Date : 12.03.2026

(H.M. Momin)  
Judicial Magistrate First Class  
(Court No.3), Georai