

**ORDER BELOW EXH.1**

Perused the record of the case. Accused are alleged commission of an offence punishable under Section 12 A of Bombay Gambling Act. Perusal of record shows that, Accused No.2 and 7 are reported to be dead. Case is pending for statement of remaining accused vide section 313 of Cr.P.C. However, remaining accused are absent since long time. Hence, this Court has issued N.B.W. against them from time to time. But, the prosecution has not secured presence of remaining accused No.1, 3 to 6. Therefore, this case is pending for securing presence of accused No. 1, 3 to 6 since long time. Prosecution has not taken effective steps to secure presence of accused No.1, 3 to 6. Presence of accused No. 1, 3 to 6 is not secured till today. Present matter is registered in the year 2019. It is near about 7 year old case pending without any progress for long time. It appears that prosecution failed to secure the presence of accused No.1, 3 to 6. Evidence available on record is not sufficient for conviction of accused. Further matter is summary in nature. In such circumstances, I am of the opinion that no purpose will be served by keeping the present matter in idle condition. Present matter is instituted otherwise than upon complaint. Therefore, I am of the opinion that power under Section 258 of Criminal Procedure Code should be exercised. Hence, it is just and proper to stop proceeding of the present case in view of section 258 of the Criminal Procedure Code. In result, I pass following order.

Order

- 1 The present proceeding is hereby stopped under Section 258 of the Criminal Procedure Code.
- 2 Accused No. 1, 3 to 6 are acquitted for the offence punishable under Section 12 A of Bombay Gambling Act.

- 3 After appeal/revision period seized muddemal
- I) Playing card be destroyed,
 - ii) Cash amount be credited to state government,
 - iii) Interim custody of siezed vehicle is hereby confirmed.
 - iv) Vehicles which are not released on interim custody be retruned to it's true owner if any.

Date :12/03/2026

[A. S. Jagtap]
Judicial Magistrate F.C.,
Shirur Kasar.

“I affirm that the contents of this PDF file are word to word as per original Judgment/order”.

Dictated on : 12/03/2026

Transcribed on : -----

Checked & signed on : 12/03/2026

[Sagar S. Ajabe]
Stenographer Grade-3