

ORDER BELOW EXH. 01

(Passed on this 10th March, 2026)

1. This matter has been kept in the Special Drive in the month of March 2026. The accused is charged with the offence punishable under Section 12 (a) of the Maharashtra Prevention of Gambling Act. On perusal of record of the case, it appears that till today more than 6 years have been elapsed from the date of institution of this case. Therefore, it is not just and proper to keep pending this matter.

2. The procedure prescribed in the Code of Criminal Procedure for the trial of summary cases in which an appeal lies has to be followed. This case has to be tried as per the procedure prescribed for summary trial in the Code of Criminal Procedure. Therefore, in the circumstances referred to above as per the provisions of Sec. 258 of the Code of Criminal Procedure the proceeding of this case can be stopped. In this connection I also rely upon the Judgment of the Hon'ble Bombay High Court in the matter of **Mulchand Motilal Raka vs State of Maharashtra, 1996 (2) crimes 177**, in this matter the Hon'ble Court mentioned that 'section 258 of the code which empowers to stop the proceedings in certain cases is intended to meet with certain situations, where the presence of accused persons cannot be secured or presence of any important witness cannot be secured by the prosecution, which is necessary for the trial case. Therefore, where the Magistrate does not find it possible to dispose of the matter by adopting normal procedure contemplated by the code for one reason or other as herein above stated, in such situation it would be open to the Magistrate to stop further

proceedings of the case'. Therefore, as per the provisions of the Section 258 of the Code of Criminal Procedure, the Court may stop the proceedings. Hence, in the circumstances referred to above it is just and proper to stop the proceeding of this case. Hence, I pass following order:

: ORDER :

1. Proceeding is stopped vide Section 258 of the Code of Criminal Procedure.
2. Accused no. 1 to 3 are discharged.
3. Bail Bond of the accused, if any stands cancelled.
4. Muddemal 52 cards be destroyed after appeal period is over as per rule.
5. Seized Cash Rs. 2730/- be credited to Government of Maharashtra.
6. Seized two mobile Oppo company and M.I. company be handed over to its original owner after verification of documents after appeal period is over.

Kalmeshwar
Date : 10.03.2026

Sd/-
(R. L. Rathod)
Judicial Magistrate, First Class
(Court No.1), Kalmeshwar.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original Order.

Name of the Stenographer :- R.M. Parmal (Gr. III)