

ORDER BELOW EXH. NO.1

The case is taken in special drive. The instant case is summons case in respect of offence punishable under section 12-A of the Bombay Prevention of Gambling Act. The accused are absent since inception. In the circumstances, it is quite difficult to proceed with the matter. The Hon'ble High Court of Bombay in **Mulchand Raka Vs State of Maharashtra 1996 (1) Bom. C.R. 316** held that section 258 of Cr.P.C. can be resorted to where the special or unusual circumstances exists such as non appearance of the accused before the Court for considerable time, which make it difficult or impossible for the Magistrate to proceed with the case in a normal way and in such situation without any hindrance the provision of Section 281 of B.N.S.S (Section 258 of Cr.P.C.) can be resorted to. The said ratio is aptly applicable to the instant case, as the police machinery is negligent in securing the presence of the accused. Therefore it is difficult to proceed with the case in a normal way. Hence, this is the fit case to take resort to Section 281 of B.N.S.S (Section 258 of Cr.P.C.). Hence, I pass the following order.

ORDER

- 1] The proceeding is stopped vide Section 281 of B.N.S.S (Section 258 of Cr.P.C.) with liberty to the prosecution to revive the proceeding on the arrest or securing presence of the accused by showing justifiable grounds.
- 2] Bail bonds of the accused, if any, stands cancelled/ cash

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security, if any, be forfeited and credited to the Government.

- 3] Seized muddemal i.e. amount of Rs.570/- be forfeited and credited to Government after completion of appeal period. Seized ball pain and chit book being worthless be destroyed after appeal period is over.
- 4] The original police paper be retained in 'C' file for their use in the event of re-opening the case under section 337(5) of the B.N.S.S.

Date: 08/05/2026

(U. B. Pethe)
Judicial Magistrate First Class,
Malshiras.

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CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word as per the original Order.

(a) Name of the Stenographer : M. P. Gheradi.

(b) Name of the Court : Jt. C.J.J.D.& J.M.F.C., Malshiras, Dist. Solapur,

(c) Order signed by P.O. on : 08.05.2026

(d) Order uploaded on : 08.05.2026