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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 189 OF 2015

Subhash s/o Chhagan Jagtap,
Age: Major, Occu: Business,
R/o. Bhat Galli, Chopda,
Taluka Chopda, Dist. Jalgaon

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr P. B. Patil, Advocate for applicant;
Mr C. V. Dharurkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 26th August, 2016

ORAL ORDER :

Heard.

2. Learned Judicial Magistrate First Class, Chopda, on 31st March, 2009, acquitted the respondent – accused of offences punishable under sections 4 and 5 of the Bombay Prevention of Gambling Act, however, the amount of Rs.1,34,723/-, which was involved in the crime in question, was ordered to be credited to the account of the State Government.

3. The applicant, claiming to be entitled for the aforesaid amount, pursuant to the provisions of section 452 of the Code of Criminal Procedure, moved an application against the said order before learned Sessions Judge, being Criminal Misc. Application No.10 of 2012. The said

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application came to be rejected on 15th July, 2015 on the ground that the same is hopelessly time barred and no sufficient cause is shown for condonation of delay.

4. At the outset, it is required to be noted that the charge that was framed against the applicant was in relation to an offence punishable under the provisions of Bombay Prevention of Gambling Act. The applicant has not established his source of the said amount and as such, even though he is acquitted, the learned Magistrate has rightly ordered deposit of the amount involved in the crime in question, with the State Government.

5. Learned Sessions Judge observed that the application seeking release of the amount, pursuant to Chapter XXXIV of the Code of Criminal Procedure was hopelessly time barred.

6. In view thereof, in my opinion, no case for interference in the revisional jurisdiction is made out. Criminal Revision fails and stands rejected.

(N.W. SAMBRE, J.)

amj