

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

CRIMINAL APPLICATION NO. 6405 OF 2015

Shridhar Jagannath Mallewar & Ors.

... **Applicants**

VERSUS

The State of Maharashtra & Anr.

... **Respondents**

.....

Mr S. B. Talekar, Advocate for the applicants

Mr S. P. Sengaonkar, APP for respondent/State

Respondent No. 2 served.

.....

CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : **11TH FEBRUARY, 2016.**

PER COURT:

. Despite directions to produce CCTV camera footage, the Investigating Officer failed to produce the same before us. The learned APP expressed inability to produce the same because of technical difficulty. Whatever may be the difficulty, we are not inclined to go into the details of this case henceforth. An offence is registered under the Maharashtra Prevention of Gambling Act (for short "the said Act"). It is alleged by the prosecution agency that the applicant and others were found committing offence punishable under Sections 4 and 5 of the said Act. It is a simple prosecution where witnesses would try to depose that they saw gambling in the club premises of the applicants and others. We are not inclined to

go into the allegations of the case at this stage. The applicants would have ample opportunity to contest the case on merits in the trial Court.

2. Learned counsel for the applicants placed reliance on Section 13 of the said Act. This submission is based on defence that is likely to be raised at the time of the trial. We do not wish to express our opinion on the defence as well as the prosecution case. As stated above, the applicants/accused have ample opportunity to contest the case on merits and get it decided in their favour.

3. Criminal Application stands disposed of.

[INDIRA K. JAIN]
JUDGE

[A. V. NIRGUDE]
JUDGE

sgp