

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL PUBLIC INTEREST LITIGATION NO. 12 OF
2021

MUNAWAR AHMED S/O NAEEM AHMED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Deshpande Ajay S.
APP for Respondent Nos. 1 and 2 : Mr. M. M. Nelikar
Advocate for Respondent Nos. 3 and 4 : Mr. Sandeep S. Dere &
Mr. R. A. Joshi

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CORAM : C. V. BHADANG AND
BHARAT P. DESHPANDE, JJ.
DATED : 8 JUNE 2022

PER COURT:-

This is a Public Interest Litigation *inter alia* seeking
following substantive reliefs :

- (i) By invoking the extra ordinary Writ Jurisdiction, this Hon'ble Court may kindly issue a Writ of Mandamus to restrain the private respondent Nos. 3 to 5 and / or any other similarly constituted company / association / group of association / individual from conducting / running / promoting online as well as offline poker by passing-off the same as a "game of skill", especially when such

activities contravene the provisions of Sec. 3 of The Bombay Prevention of Gambling Act, 1887.

- (ii) By issuing appropriate writ or orders or directions, the State Govt. may be directed to take appropriate steps for the enforcement of The Bombay Prevention of Gambling Act, 1887 in the true spirit, as envisaged by the object of the Act.

2. The learned counsel for the petitioner in all fairness has pointed out the decision of the Madras High Court in the case of *Junglee Games India Private Limited and another v. The State of Tamil Nadu and others* (W.P. No. 18022 of 2021 along with connected matters) delivered on 03.08.2021 in which the Madras High Court has held that the game of poker is a game of skill.

3. Learned counsel for the petitioner states that the petitioner is a teacher by profession and was *bona fide* acting in public interest. However, in view of the subsequent development including the decision of the Madras High Court, the petitioner does not intend to pursue the petition.

4. We find that the petition is not yet formally admitted. In that view of the matter, the petition is disposed of as withdrawn. We make it clear that we have not examined merits of the rival contentions in the Public Interest Litigation.

5. The amount of Rs.50,000/- deposited before this Court along with interest, if any, be returned to the petitioner.

BHARAT. P. DESHPANDE, J.

C. V. BHADANG, J.