

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

CRIMINAL APPLICATION NO. 4086 OF 2022

Sandeep Mohan Shinde

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. R. M. Jade – Advocate for the applicant

Mrs. M. A. Deshpande – Addl.PP. for respondent/State

.....

CORAM : MANGESH S. PATIL

AND

M. M. SATHAYE, JJ.

DATED : 20.03.2023

PER COURT : -

1. Heard learned counsel for the applicant as also the learned APP.

2. The applicant is seeking quashment of the FIR No. 111/2022 dated 15.02.2022 registered with Shrigonda Police Station, Tal. Shrigonda, Dist. Ahmednagar for the offence punishable under Section 12A of the Maharashtra Prevention of Gambling Act, 1887 [in short 'Gambling Act'] and the consequent criminal case being S.C.C. No. 584/2022 pending before the learned Judicial Magistrate First Class, Shrigonda.

3. The applicant is a licensed video parlor owner, who has been implicated for allowing the parlor to be used for gambling.

4. At this juncture, merely because a machine which is meant for playing electronic games is used cannot *per se* be sufficient to reach a conclusion that it cannot be used for playing a game of chance. It being a matter of evidence, at this juncture, no inference can be drawn as is being suggested by the applicant that he is merely an owner of that parlor and has no concern as to how his customers have been using the machines installed in his shop.

5. When admittedly the applicant is the owner of different electronic machines and runs the shop and the allegations about he having permitted the machines to be used for gambling, the ingredients for the offences can easily be discerned. It would be appropriate then that the trial court which is seized of the matter now proceeds with the trial and reaches some objective conclusion.

6. Incidentally, in a similar set of facts in another crime of the same kind, by the order dated 14.03.2023 passed in Criminal Application No. 4085 of 2022, we have rejected the similar application.

7. Criminal Application is rejected.

[M. M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE