



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.943/2023

Nitin V State of Maharashtra thr PSO PS Badnera and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Y.P. Bhelande, Advocate for applicant.
Mr. S.S. Doifode, APP for State.

CORAM : Nitin B. Suryawanshi &
Pravin S. Patil, JJ.

DATE : 11-03-2025.

This application is filed under Section 482 of the Code of Criminal Procedure for quashing of proceedings of R.C.C. No.994/2021 arising out of FIR dated 19-04-2023 registered vide Crime No.323/2021 at Badnera Police Station, District Amravati under Sections 420, 468, 471, 34 of the Indian Penal Code, Sections 4 and 5 of Maharashtra Prevention of Gambling Act, 1887 and Section 25(c) of Indian Telegraphs Act, 1885.

ii. Non-applicant no.2 Constable lodged FIR in question in short alleging that on receipt of secret information, on 18-04-2021, raid was conducted in Room No.207 of Hotel Landmark. Accused nos.1, 2, 3 and 4 were found playing game of chance and muddemal articles were seized from them. Present

applicant being the owner of Hotel Landmark has helped the other accused persons in commission of crime. On completion of investigation, chargesheet is filed against six accused persons and applicant is named as accused no.6 in the chargesheet.

iii. Heard learned Advocate for applicant and learned APP for State. Perused the documents placed on record.

iv. In the FIR applicant is named as accused no.6 stating that applicant has made available Room No.207 to the other accused for indulging into the betting. On perusal of the chargesheet, we find that there is absolutely no material against the applicant showing his involvement in the commission of alleged offence of betting. It cannot be presumed that applicant had knowledge that the other accused persons were indulging in betting by renting a room in his hotel. Except the vague allegations quoted hereinabove, there is no other material to connect the applicant to the present crime.

v. Learned APP could not point out any material showing the involvement of the applicant in the present crime. In absence of material showing the involvement of the applicant

in the present crime, continuation of the proceedings against the applicant is an abuse of process of law and Court.

vi. In the result, application is allowed. Proceedings of R.C.C. No.994/2021 arising out of FIR dated 19-04-2023 registered vide Crime No.323/2021 at Badnera Police Station, District Amravati under Sections 420, 468, 471, 34 of the Indian Penal Code, Sections 4 and 5 of Maharashtra Prevention of Gambling Act, 1887 and Section 25(c) of Indian Telegraphs Act, 1885, are quashed and set aside to the extent of applicant.

(Pravin S. Patil, J.)

(Nitin B. Suryawanshi, J.)