

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.236 OF 2010

- 1) Nijamuddin Abubakar Shaikh,
2) Dilshad Ahmed Wajidmiya Shaikh .. Appellants
V/s.
1) The State of Maharashtra & Anr. .. Respondents

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Mr.Nitin Pradhan, Senior Advocate i/b. Amin Sokar &
Ms.Subhash Khot, Advocate for the Appellants.

Mrs.M.M. Deshmukh, APP for Respondent - State.

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**CORAM : S.C. DHARMADHIKARI AND
SMT. BHARATI H. DANGRE, JJ.**

DATED : NOVEMBER 10, 2017.

OPERATIVE ORDER :

For the reasons recorded separately, we pass the following order:

:: ORDER ::

- (i) The Appeal abates as far as Appellant No.1 is concerned;
- (ii) Appeal is allowed as far as Appellant No.2 is concerned;

- (iii) We set aside the judgment and order dated 9th March, 2010, passed in Sessions Case No.310 of 2009, convicting appellant no.2 for the offences punishable under Sections 342 and 302 read with Section 34 of the IPC;
- (iv) We set him at liberty and appellant no.2 be released forthwith, if not required in any other offence.

(SMT. BHARATI H. DANGRE, J) (S.C. DHARMADHIKARI, J.)