

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

CRIMINAL APPEAL NO.243 OF 2013

Bhikubhai Dayaram Thanki And Anr Appellants
versus
The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPEAL NO.20 OF 2013**

Chhotu @ Arvind Vitthalbhai Choudhary @
Patel Appellant
versus
The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPEAL NO.244 OF 2013**

Prasad Jagannath Shetty And Ors Appellants
versus
The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPEAL NO.871 OF 2018**

Prasad Jagannath Shetty Appellant
versus
The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPLICATION NO.756 OF 2016**

Jitendra Shantilal Modha Applicant
versus
The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPLICATION NO.330 OF 2017**

Jitendra Shantilal Modha Applicant
versus
The State of Maharashtra ... Respondent

Nesarikar

** This order has been corrected in terms of Speaking to the minutes dated 14/08/2018.

**WITH
CRIMINAL APPLICATION NO.136 OF 2017**

Nitin Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.195 OF 2018**

Jitendra Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.402 OF 2018**

Nitin Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.441 OF 2015**

Jitendra Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.1069 OF 2018**

Prasad Jagannath Shetty & Ors.	 Applicants
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.755 OF 2017**

Jitendra Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.1206 OF 2017**

Jitendra Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.1341 OF 2017**

Bhikubhai Dayaram Thanki & Anr.	 Applicants
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.933 OF 2018**

Bhikubhai Dayaram Thanki	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.1340 OF 2017**

Chhotu @ Arvind Vitthalbhai Choudhary @ Patel	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.193 OF 2018**

Nitin Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.1010 OF 2018**

Nitin Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.601 OF 2018**

Nitin Shantilal Modha	 Applicant
versus	
The State of Maharashtra	... Respondent

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- Mr.V.B. Koshe a/w Mr.Anil Kulkarni i/b. Mr.Sachin Deokar, Advocates for the Appellants in Appeal No.243/13 (Original Accused Nos.5 and 6).
- Mr.Sachin Deokar, Advocate for the Appellant No.2 (Original Accused No.10) in Appeal No.244/13.
- Mr.Satyavrat Joshi a/w Mr.Nitesh J. Mohite, Advocate for the Appellant (Original Accused No.4) in Appeal No.20/13.
- Mr.Prakash L. Shetty a/w Mr.Abhijeet Magade, Advocate for the Appellant (Original Accused No.2) in Appeal No.871/18.
- Mr.Nitin Shantilal Modha, Appellant No.3 - in person (Original Accused No.11) in Appeal No.244/13.
- Mrs.S.V. Sonawane, APP for the State/Respondent in all the Appeals and connected Applications.

**CORAM : B. R. GAVAI &
SARANG V. KOTWAL, JJ.**
DATE : 06th AUGUST, 2018.

P.C. :

For the reasons separately recorded, the following order is passed:

ORDER

1. The Appeals are allowed.
2. The order of conviction and sentence as recorded by the learned Special Judge (under MCOCA), Pune, vide Judgment and Order dated 07/12/2012 in MCOCA Special Case No.1 of 2006 is quashed and set aside.
3. The Accused are acquitted of the charges charged with.

4. The Appellants are directed to be set at liberty forthwith, if not required in any other case.
5. If fine amount is paid, the same shall be refunded to the Appellants.
6. Since the Appeals are allowed, all the pending Applications are disposed off.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)