

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.455 OF 2018

The State of Maharashtra.	]	... Applicant / Appellant
Versus		
Shabir @ Shabbir Harun Shaikh.	]	... Respondent / Orig. Accused

Mr. J. P. Yagnik, APP for State – Applicant / Appellant
None for Respondent.

CORAM :- B. R. GAVAI &
SARANG V. KOTWAL, JJ.
DATE :- 19 JUNE, 2018

P. C. :-

1. The State has approached this Court being aggrieved by the Judgment and Order dated 21/12/2016 passed by the learned Special Judge under MCOC Act, 1999 and NIA Act, 2008, in MCOC Spl. Case No.10 of 2014.

2. The accused was charged for offences punishable under Sections 394 as well as 397 of the IPC and other minor offences of the

IPC; so also under Section 3(1)(ii), 3(2) and 3(4) of the MCOC Act. The learned trial Judge, though has convicted the accused under the IPC, has acquitted him for the offences under the MCOC Act.

3. The learned trial Judge has given sound reasoning in para 66 of the Judgment. The learned trial Judge has found that though two previous charge-sheets have been filed against the present Applicant and cognizance thereof was taken by the competent Court, there was no material placed on record by the prosecution so as to bring home the guilt of the accused under any of the penal Sections of the MCOC Act.

4. No perversity is noticed to warrant interference.

5. Hence, the Appeal is disposed of.

(SARANG V. KOTWAL, J.)

(B. R. GAVAI, J.)