

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (FOR LEAVE TO APPEAL) NO.9 OF 2021

The Central Bureau of Investigation ... Applicant

V/s.

Suresh Shamrao Shinde @ Laxman and ... Respondents

Ors.

WITH
CRIMINAL APPEAL NO.443 OF 2021

Rajendra Sadashiv Nikalje @ Chhota ... Appellant

Rajan @ Nana Sheth @ Sir

V/s.

Central Bureau of Investigation and Anr. ... Respondents

Mr. Pradip Dattatray Gharat, Advocate for the Appellant.

Mr. Prakash Shetty a/w Mr. Krishna Savkate, Advocate for the Respondent No.1.

Mr. Vishal Deshmukh i/b. Mr. Anil Wagh, Advocate for Respondent No.2.

Mr. Sudeep Pasbola a/w Mr. Ayush Pasbola and Mr. Akash Pandey, Advocate for Respondent No.4.

Ms. M.M. Deshmukh, APP for Respondent – State.

**CORAM : SMT. SADHANA S. JADHAV &
MILIND N. JADHAV, JJ.**

DATE : 4th APRIL 2022.

PC. :

1. All the respective counsel appearing for Respondent Nos.1,
- 2, 3 and 4 submit that the accused – Respondents have undergone

sentence imposed upon them by the Special Court in M.C.O.C. Special Case No.4 of 2018 and 3 of 2019. CBI is challenging the acquittal of the Respondents under the provisions of the Maharashtra Control of Organised Crime Act, 1999 and under section 452 of IPC. Respective counsel submit that they have already undergone sentence in this case. The learned counsel Mr. Gharat for the Appellant submits that the trial Court had accepted the evidence but without assigning any special reasons acquitted the accused under section 452 of IPC.

2. Appeal is admitted to the extent of challenging acquittal under section 452 of IPC and under the provisions of MCOCA. Call for R and P.

3. Appeal to be heard along with Criminal Appeal No.443 of 2021.

(MILIND N. JADHAV, J)

(SMT. SADHANA S. JADHAV, J)