



JVS.

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

CRIMINAL APPEAL NO. 641 OF 2019

Rubabuddin Shaikh	}	Appellant
versus		
The Central Bureau of Investigation	}	
& Ors.	}	Respondents

**WITH
CRIMINAL APPEAL NO. 656 OF 2019**

Nayabuddin Shaikh	}	Appellant
versus		
The Central Bureau of Investigation	}	
& Ors.	}	Respondents

Mr. Gautam Tiwari with Ms. Tasneem Khatau, Mr. Suraj Jagtap, Ms. Nidhi Mishra, Ms. Vaishnavi Dubey & Mr. Bhavesh Thakur i/by Probus Legal, Advocates for the Appellants in both appeals.

Mr. Anil C. Singh, Additional Solicitor General a/w Mr. Kuldeep Patil, Mr. Aditya Thakkar, Mr. Chaitanya Chavan, Mr. Adarsh Vyas, Mr. Krishnakant Deshmukh, Mr. Rajdatt Nagre, Ms. Saili Dhuru, Mr. Anay Joshi, Mr. Sumitkumar Nimbalkar, Mr. Digvijay Kachare and Ms. Sanika Joshi, Advocates for Respondent No.1-CBI.

Mr. Madhusudhan Pareek for the Respondent Nos.2, 8, 9, 10 & 11.

Mr. Amit Desai, Senior Advocate with Mr. Madhusudan Pareek, Advocates for Respondent No.3.

Mr. Devendra Shukla a/w Mr. Harekrishna Mishra & Mr. Shabi A. Moulvi, Advocates for the Respondent No.4.

Mr. Khan Abdul Wahab, Ms. Shifa Khan, Mayanka S.R., Fardin Shaikh, Abdul Hafeez Kotawala, Nitin Mane & Shahabuddin Shaikh, Advocates for the Respondent No.5

Mr. Ishan Jani a/w Mr. Farhad Panthaki, Advocates for Respondent Nos. 6 & 7.

Mr. Parth Bhanushali i/b Mr. Maitreya Shukla, Advocates for Respondent No.12.



Mr.Hitesh P. Shah, Advocate for the Respondent Nos.14 & 23

Mr. Sachin R. Pawar a/w Mr. Devang S. Mhatre i/b Mr. Sagar S. Patil, Advocates for the Respondent Nos.18 to 22.

Mrs. M.M.Deshmukh, In-Charge Public Prosecutor with Mr.J. P. Yagnik, APP for the Respondent No. 24-State.

**CORAM: SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE: 13th JANUARY 2026

P.C.:

The written submissions tendered on behalf of the respondent no. 5 are taken on record.

2. Mr. Amit Desai, the learned senior counsel for the respondent no. 3 referred to the decisions in (i) “*Mallappa & Ors. v. State of Karnataka*” (2024) 3 SCC 544; (ii) “*Bhupatbhai Bachubhai Chavds & Anr. v. State of Gujarat*” 2024 SCC OnLine SC 523; (iii) “*Ramesh & Anr. v. State of Karnataka*” (2024) 9 SCC 169; (iv) “*Kooli Saseendran & Ors. v. State of Kerala & Ors.*” (2019) 19 SCC 60; (v) “*State of Maharashtra v. Mahesh G. Jain*” (2013) 8 SCC 119; and (vi) “*Mary Pappa Jebamani v. Ganesan & Ors.*” (2014) 14 SCC 477 and submitted that there is not even a bleak possibility of reversing the judgment of acquittal rendered by the trial Court, having regard to the facts and circumstances of the case, in particular, there is no direct evidence or even the circumstantial evidence which can establish the presence of the accused at the place of occurrence and at the time of occurrence.

3. Mr. Madhusudhan Pareek, the learned counsel appearing for the respondent nos. 2, 8, 9, 10 & 11, Mr. Devendra Shukla, the learned counsel for the respondent no. 4, Mr. Khan Abdul Wahab, the learned counsel for the respondent no. 5, Mr. Ishan Jani, the learned counsel for the respondent nos. 6 and 7, Mr. Parth



Bhanushali, the learned counsel for the respondent no. 12, Mr.Hitesh P. Shah, the learned counsel for the respondent nos. 14 and 23 and Mr. Sachin R. Pawar, the learned counsel for the respondent nos. 18 and 22 have adopted the arguments advanced by Mr. Amit Desai, the learned senior counsel for the respondent no. 3.

4. Post the matters on 16th January 2026 at 3:00 p.m. for argument in rejoinder and for tendering written notes of arguments.

Digitally
signed by
JAYANT
VISHWANATH
SALUNKE
Date:
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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]