



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

**CRIMINAL APPEAL NO.641 OF 2019**

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

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

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

...

Mr. Gautam Tiwari with Ms. Tasneem Khatau, Mr. Suraj Jagtap & Mr. Bhavesh Thakur i/b. Probus Legal Advocates for the Appellants.

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

Mr. Madhusudhan Pareek, Advocate for respondent Nos.2, 3 and 8 to 11.

Mr. Devendra Shukla a/w. Mr. Harekrishna Mishra and Mr. Shabi A. Moulvi, Advocate for Respondent No.4

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

Mr. Ishan Jani, Advocate for Respondent Nos.6 and 7

Mr. Maitreya Shukla, Advocate for Respondent No.12

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

Mr. Devang S. Mhatre i/b. Mr. Sachin R. Pawar, Advocates for Respondent Nos.18 & 22

Mr. J. P. Yagnik, Additional Public Prosecutor for the Respondent No.24.



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

**DATE : 17<sup>th</sup> DECEMBER 2025**

**P.C. :**

Mr.Gautam Tiwari, the learned counsel for the appellants referred to the deposition of witnesses (PW-72, PW-96, PW-139, PW-174, PW-205 and PW-207) and concluded that Tulsiram Prajapati feared for his life who informed about the threat to his life to these witnesses. The learned counsel for the appellants further stated that the prosecution did not take necessary steps for producing all materials including the statement of witnesses recorded under section 164 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.). The trial Judge also did not bestow his attention to the relevance of the statement of witnesses under section 164 of the Cr.P.C. and dismissed the application under section 311 of the Cr.P.C. summarily.

2. Part heard. Post these matters on 6<sup>th</sup> January 2026, first on Board.

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**