



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

CRIMINAL APPEAL NO. 381 OF 2016

Sunil Omprakash Both @ Chota	 Appellant
versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 1004 OF 2025
IN
CRIMINAL APPEAL NO. 381 OF 2016**

Valerian Santos	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
CRIMINAL APPEAL NO. 439 OF 2016**

Jitendra Fakirchand Rana @ Chaina	 Appellant
versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 768 OF 2025
IN
CRIMINAL APPEAL NO. 439 OF 2016**

Valerian Santos	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
CRIMINAL APPEAL NO. 840 OF 2016**

Deepak Ishwar Omprakash Piwal	 Appellant
versus	
The State of Maharashtra	 Respondent



**WITH
INTERIM APPLICATION NO. 760 OF 2025
IN
CRIMINAL APPEAL NO. 840 OF 2016**

Valerian Santos	 Applicant
versus	
The State of Maharashtra	 Respondent

**WITH
CRIMINAL APPEAL NO. 790 OF 2016**

Satish Nafeshing Dulgaj	 Appellant
versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 990 OF 2025
IN
CRIMINAL APPEAL NO. 790 OF 2016**

Valerian Santos	 Applicant
versus	
The State of Maharashtra	 Respondent

Ms. Shifa Khan i/b. Adv. Khan Abdul Wahab for the Appellant in APEAL/381/2016.

Dr. Yug Mohit Chaudhary a/w. Adv. Dashrath Gaikwad for the Appellant in APEAL/840/2016 and in APEAL/790/2016.

Mr. Sudeep Pasbola, Sr. Advocate a/w. Mr. Ayush Pasbola i/b. Mr. Rahul Arote for the Appellant in APEAL/439/2016.

Adv. Gayatri Gokhale a/w. Adv. Bahraiz Irani, Mr. Anosh Irani and Mr. Aakash Desai for the Intervenor in IA/1004/2025, IA/768/2025, IA/760/2025 and in IA/990/2025.

Mr. Vinit A. Kulkarni, APP for the Respondent – State.

Mr. Vaibhav Gorakh Khade, PSI, D.N. Nagar Police Station, Mumbai.

CORAM: SARANG V. KOTWAL AND
SHYAM C. CHANDAK, JJ.

DATED : 02nd JULY, 2025

P.C. :-

1) In these matters, the Hon'ble Supreme Court has had an occasion to consider the Bail Application of the Appellant - Jitendra Fakirchand Rana @ Chaina in Special Leave to Appeal (Crl.) No.14292/2024. The following order was passed on 18/03/2025 :-

- “ 1. Heard learned counsel for the parties.*
- 2. The petitioner is seeking bail/suspension of sentence during the pendency of the criminal appeal before the High Court. We have been informed that the criminal appeals of the year 2014 are being taken up for consideration and the criminal appeals of the year 2016 are not likely to be heard in near future.*
- 3. Learned counsel for the respondent-State points out that after the bail application of the petitioner was rejected by this Court on 11.08.2023, the criminal appeal of the petitioner came up for listing on 27.01.2025 before the High Court but it could not be taken up.*
- 4. Learned counsel for the petitioner in response submits that the criminal appeal has been de-listed.*
- 5. In the facts and circumstances of the case coupled with the fact that the appeal is of the year 2016 and was listed for consideration, we expect that the High Court will do its best to ensure that the criminal appeal of the petitioner of the year*



2016 be taken up for consideration most expeditiously, preferably within a period of three months.

6. The special leave petition stands disposed of in the above terms.

7. Pending application(s), if any, shall stand disposed of. ”

2) In view of the fact that the Hon'ble Supreme Court had observed that the Appeal be taken up for consideration most expeditiously and preferably within a period of three months from 18/03/2025, we had specifically kept these Appeals for final disposal on the Supplementary Admission Board for today with an understanding that the matter would be argued. When the matter was called out, the learned APP submitted a letter dated 25/06/2025. A copy of the said letter is taken on record and marked as 'X' for identification.

3) Learned APP submitted that, the brother of the deceased has requested the State Government to appoint a Senior Counsel to appear as Special Public Prosecutor in this case. Learned APP submitted that, reasonable time be granted for such appointment.

4) Learned Counsel for the Appellants strongly objected for adjournment.

5) Ms. Gayatri Gokhale, learned Advocate appears and states that she had filed an Intervention Application on behalf of the father of the deceased but unfortunately, the Intervenor passed away on 25/03/2025. She submitted that the original Intervenor's wife intends to file



Intervention Application in these Appeals.

6) In this background, in the interest of justice and to afford reasonable opportunity to all the interested parties, we are inclined to give some reasonable time for the proposed Intervenor to file the Intervention Application and for the State Government to appoint the Special Public Prosecutor. At the same time, we are emphasizing the fact that the Appeal is expedited by the Hon'ble Supreme Court. The learned APP and the learned Counsel for the Intervenor are specifically told that they should take urgent steps and the matter will not be adjourned unnecessarily for unreasonable period.

7) Learned APP has sought time of 14 days for the appointment. However, considering the Order passed by the Hon'ble Supreme Court, we are adjourning these matters by 14 days but we are expecting that the State Government appoints the Special Public Prosecutor on urgent basis and the appointed Special Public Prosecutor prepares himself before the next date.

8) List the Appeals on **16th July, 2025**. To be listed **first on admission board** under the caption 'for final hearing'.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2025.07.02
18:59:57 +0530