

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Reserve: 20th August, 2010

Date of Order: September 06, 2010

+ Crl. M.C. No. 806 of 2009

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06.09.2010

RAGHU THAKUR

..... Petitioner

Through: Mr. Sudhir Kumar, Adv.

versus

GOVT. OF NCT & ANR.

..... Respondent

Through: Mr Sunil Sharma, APP

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. By this petition the petitioner has assailed an order dated 16th October, 2008, passed by learned ASJ and order dated 21st November, 2007, passed by learned M.M. dismissing the complaint of the petitioner under Section 499/500 of IPC against the respondent on the ground that no sanction under Section 197 Crl. P.C. was there.

2. it is submitted by the petitioner that the respondent P.K. Samadhiya was Divisional Railway Manager with North Central Railway and "Railways"

was not 'State' within the provisions of Cr. P.C. and therefore no sanction under Section 197 Cr. P.C. was necessary.

3. The defamation proceedings are sought to be initiated against the respondent P.K. Samadhiya because he wrote following letter to the petitioner:

*"Shri Raghu Thakur
27-A, D.D.A. Flats
Mata Sundri Road, New Delhi.*

Sir,

*Subject: Regarding your complaint
no. 10 dated 11.5.2004 at
Sagar Station*

*Regarding your complaint it
is informed that you wanted to travel in
A.C. Coach with General Category ticket
without paying the difference of fare
which was not possible. Due to this
reason conductor on duty did not
allow you and requested you to drop from
the coach.*

*Rail Administration is sorry
for the inconvenience you faced.*

Sd. Illeg.

*(P.K. Samadhiya)
For Divisional Rail Manager(B)
Jabalpur"*

4. The contention raised by the petitioner before the court of learned MM was that by writing the above letter Mr P.K. Samadhiya had harmed the reputation of the petitioner and therefore the petitioner had filed a complaint under Section 499/500 of IPC. The petitioner submitted that he was not wanting to travel in AC coach with general category ticket and the allegation made in the letter was false. He relied upon a report dated 6th July, 2006 given by police of I.P. Extension police station.

5. In order to constitute an offence under Section 499/500 IPC the defamatory matter must be published i.e. communicated to persons other than one whose reputation is allegedly harmed and the publication must be made with an intention to defame that person. In the present case, as is clear from the letter, that the letter was written to the petitioner alone, even a copy of this letter was not sent to anyone else. This does not amount to publication and therefore no case under Section 499/500 IPC was made out against the respondent.

6. Even if the "Railways" is not considered as State, the petitioner has no case against the respondent. This petition has no force and is hereby dismissed.

September 06, 2010
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SHIV NARAYAN DHINGRA, J.