GAHC010219332012

2026:GAU-AS:10534

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./340/2012

HYDER HUSSAIN and ANR.
CHIEF EDITOR OF ASOMIYA PRATIDIN, MANIRAM DEWAN PATH,
CHANDMARI, GHY-3.

2: SRI JATIN CHOUDHURY
S/O LT. KUSHA RAM CHOUDHURY PRINTER AND PUBLISHER
ASOMIYA PRATIDIN
REGISTERED OFFICE AT MANIRAM DEWAN PATH
CHANDMARI
GHY-3

VERSUS

DHRUBAJYOTI RAVA
S/O SRI BHADRESWAR RAVA C/O SRI LAMBRODER DUTTA WARD NO.8,
NORTH LAKHIMPUR, DIST. LAKHIMPUR, ASSAM,

Advocate for the Petitioner : MR.D CHAKRABORTY, MR.D K BAGCHI,MR.P KATAKEY

Advocate for the Respondent : MR.I CHOUDHURY, MR.S P DAS,MR.T J MAHANTA

Date on which judgment was reserved	: NA
Date of pronouncement of judgment	: **30.07.2026**
Whether the pronouncement is of the	
Operative part of the judgment?	: NA
Whether the full judgment has been	

pronounced? : Yes

::: BEFORE :::

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

JUDGMENT & ORDER (ORAL)

30.07.2026

Heard Mr. P. Katakey, learned Senior counsel assisted by Ms. R. Begum, learned counsel for the petitioners. Also heard Mr. I. Choudhury, learned counsel for the sole respondent.

2. By this application filed under section 482 of the Cr.P.C., the petitioner has challenged the order dated 22.12.2010 passed by the learned Judicial Magistrate 1st Class, North Lakhimpur, Lakhimpur in CR Case No. 209/2010. By the said order, cognizance was taken against the petitioners under section 500/501/34 of the IPC and summons were issued to them.

3. The case of the petitioners is that that the petitioner No. 1 was the Chief Editor of *Asomiya Pratidin* and petitioner No. 2 is the Printer and Publisher of the said newspaper and that a complaint case was filed by the respondent on 13.12.2010 against the petitioners stating *inter alia* that on 06.12.2010, a defamatory news item was published in the said newspaper, namely *Asomiya Pratidin* wherein it was alleged that the complainant misappropriated money by raising false bills in connection with a construction work. It is the further case of the petitioners that earlier on 03.12.2010 another defamatory news item was also published wherein it was stated that as per the records in the year 2010, a

sum of Rs. 1 lakh was allotted to the sub division of PWD department and that out of Rs.1 lakh meant for supply of stationary materials to the said office, a sum of Rs. 45,000/- was given to the complainant by the Executive Engineer and the balance amount of Rs. 55,000/- was distributed amongst the officials of the Executive Engineer, Ghilamara as travelling bonus. It was alleged by the complainant that the news items were false, untrue and baseless and had defamed him in the eyes of public at large. The said complaint was entertained by the learned Judicial Magistrate 1st Class, North Lakhimpur, Lakhimpur and the said court took cognizance of the case under section 500/501/34 of the IPC and summons were issued to the petitioners.

4. The petitioners had challenged the said order mainly on the ground that the news item published in the said newspaper i.e. Rs. 45,000/- given to the complainant for supplying stationary materials and that the balance was distributed among other staff did not cast any aspersion on the reputation of the complainant and that no case under section 499 IPC has been made out. It is also raised in the said application that in the news item illegalities committed by the Executive Engineer of Ghilamara division of PWD was highlighted and that there was no allegation against the complainant for misappropriation of any money. It was further stated that the publication comes within the first exception of section 499 of the IPC which provides that in good faith, if any publication is made for public good, the same will not result in a defamation case.

5. The learned Senior counsel for the petitioners submits that the publications were done in the year 2010 and there was no violation of section 499 IPC as the said facts were written in good faith for public good and no defamation was done in connection with the complainant.

6. Mr. I. Choudhury, learned counsel appearing for the complainant submits that there was no misappropriation done by him and that whatever money was taken by him, he had supplied goods with the said money to the office. He further submits that he has no grievance against the petitioners as the same did not spoil his reputation in the society.

7. Upon consideration of the submissions, this Court finds the following. Under section 499(2) of the IPC, it is provided that whoever by words spoken or intended to be read or by any modes makes or publishes any imputation concerning any person intending to harm him shall be charged for defamation. The first exception to section 499 IPC provides that it will not be defamation to impute anything which is true concerning any person and if it is for the public good then no charges of defamation will be levelled. It is in the submission of respondent's counsel that there is no allegation that he has misappropriated the sum of money in the said news items. Further, it is provided under section 320 of the Cr.P.C. that defamation except in cases specified under section 500 IPC can be compounded by the person defamed. It is also provided that in High Courts or the Court of Sessions acting in exercise of his powers of revision under section 401 Cr.P.C. can allow any person to compound any offence.

8. In view of the submissions made by the learned Senior counsel for the petitioners and more specifically by the learned counsel for the complainant, this Court finds it fit to set aside the order dated 22.12.2010 passed by the learned Judicial Magistrate 1st Class, North Lakhimpur, Lakhimpur in CR case No. 209/2010 by which cognizance was taken as mentioned above.

9. Further on the facts and circumstances, the complaint petition registered as CR case No. 209/2010 also stands quashed by this Court.

10. In view of the above, the criminal petition is allowed and disposed of accordingly.

JUDGE

Comparing Assistant