

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 797 OF 2003

Tarachand Nandlal Jaiswal

..APPELLANT

VERSUS

Rajiv Raghunath Patil

..RESPONDENT

....

None for appellant.

Mr. P.R. Katneshwarkar, Advocate for Respondent.

....

CORAM : M.T. JOSHI, J.

DATED : 24th NOVEMBER, 2015

ORAL ORDER :

None for the appellant and therefore with the aid of learned Counsel for respondent and the learned A.P.P., I have gone through the record and papers.

2. Aggrieved by the acquittal of the respondent from the offences punishable under Section 500, 501 and 502 of Indian Penal Code by the learned Judicial Magistrate First Class, Muktainagar in Summary Criminal Case No. 247/1996 vide

judgment and order dated 22nd April 2003, the appellant/original complainant has preferred the present appeal.

3. The item-cum-advertisement published in the news paper against the complainant was the subject of the complaint. The language used in the item is to the effect that the complainant was of a perverse mind and his family was described as “nomadic family”, which was staying in the village by coming from Uttar Pradesh just like Irani people.

4. During the recording of evidence, it has become an admitted fact that the present appellant has also got published similar type of statement against the present respondent. He however showed his ignorance regarding the same.

5. The learned Judicial Magistrate First Class came to the conclusion that the words are not defamatory and even otherwise the defence under Section 499 of the Indian Penal Code is available to the respondent.

6. Upon hearing the learned Counsel for the respondent and also upon perusing the material on record, I am of the view that the learned Judicial Magistrate First Class, Muktainagar has taken a reasonable and probable view of the material on record. No interference is called for.

7. Accordingly, appeal is dismissed.

(M.T. JOSHI, J.)