

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

CRIMINAL WRIT PETITION NO. 1225 OF 2015

Union Bank of India ... Petitioner
V/s.
Sambhaji Savkar Jadhav & Anr. ... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 1295 OF 2015**

K. Subhramanyam ... Petitioner
V/s.
Sambhaji Savkar Jadhav & Anr. ... Respondents

Mr. Girish Kulkarni a/w. Mr. Madhusudan Devkisan Pareek for
the Petitioner.
Mr. Sambhaji S. Jadhav i/b. Mr. Parth Sarathy Sarkar for
Respondent No.1.
Ms. S.V. Gajare, A.P.P. for the State.

CORAM : A. V. NIRGUDE, J.

DATE : 17th DECEMBER, 2015.

P.C. :

1. Both these Petitions can be disposed of by this
common order.

2. These petitioners are accused Nos.2 and 8 in
criminal case No.1383/SS/2014 which is pending on the file of
learned Metropolitan Magistrate, 37th Court, Esplanade,

Mumbai. Offence is registered against the accused, including the petitioners under Section 500 r/w. 34 of I.P.C.

3. The facts leading to this complaint in short can be stated as under :-

The respondent-complainant had filed a Public Interest Litigation in this Court. There were several respondents including the Bank of India and Union Bank of India, who is one of the petitioner here. Besides them, there were several others. For opposing the Petition, one of the officers of Bank of India has filed an affidavit in which it is alleged that the respondent-complainant was an employee of the Bank and since he was removed from service, out of spite he had filed the Public Interest Litigation. The respondent-complainant, in fact, was never employed in any Bank and there was therefore no question of his termination, etc. The Public Interest Litigation came to an end eventually but the respondent-complainant felt aggrieved because of false statement made in the affidavit. He supported this litigation by filing complaint. He made all similarly placed parties in the previous litigation accused. It is clear from the record that Union Bank of India and the other petitioner although were parties to the previous litigation, were separate entity and had filed separate affidavits. So what was stated in the affidavit of Officer, Bank of India, had no concern with them. The

allegation is that defamation was caused because of the statement made in the affidavit. This is not connected to the petitioners. For that matter, all other accused who are not signatories to the affidavit containing defamatory statements should not be proceeded against in this complaint. The Petitioners/accused stand discharged.

5. Both the Petitions are allowed and accordingly stand disposed of.

(A.V. NIRGUDE, J.)