

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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CRIMINAL PETITION No.562 of 2011

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Between:

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Gireesh Sanghi

.. Petitioner

and

Thadi Veera Raghava Reddy, and another

.. Respondents

DATE OF ORDER PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

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HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No.562 of 2011

ORDER:

This is a Criminal Petition filed, under Section 482 Cr.P.C, seeking to quash all further proceedings initiated against the petitioner herein/A3 in C.C. No.5 of 1998 on the file of the learned V Metropolitan Magistrate at Visakhapatnam, registered for the offence punishable under Section 499 IPC.

2. The petitioner is shown as A3 in the private complaint filed by the first respondent. The petitioner/A3 is the Chairman and Managing Director (for short, 'the CMD') of Vartha daily newspaper. The allegation is that the said newspaper contains the defamatory article, so far as the complainant is concerned, in its publication dated 06.07.1997.

3. It is the contention of the learned counsel for petitioner/A3 that even though the petitioner is the CMD of Vartha daily newspaper, he has nothing to do with the news item, which is alleged to be defamatory. It is his further contention that there is no specific allegation against the petitioner/A3, merely because the CMD of the newspaper is not accountable to all the news items published in the newspaper, therefore, he cannot be prosecuted for the alleged offence, which is said to be defamatory. It is submitted that previously the petitioner herein along with another

accused filed Criminal Petition No.158 of 2002 for quashing the proceedings in C.C. No.5 of 1998, and this Court by order dated 23.01.2002 dismissed the same, however, the dismissal of the previous application is not barred from entertaining another application. In support of his contention, the learned counsel placed reliance on the decisions of this Court in (1) **Mrs. P.Bhanumathy and another v. Mrs. Premalatha and another** and **T.B.Shankar Rao and others v. CBI, State of Andhra Pradesh**.

4. Coming to the main allegation, as already stated the petitioner/A3 is the CMD of the newspaper, which is alleged to have contained defamatory article against the *de facto* complainant. The learned counsel has relied upon two decisions of this Court, which are to the effect that merely because a person is the CMD of the newspaper, he cannot be held responsible for all the news items that are published in the newspaper. In **Dasari Narayana Rao v. Bhagvandas and another** it was held that merely because the petitioner was the Chairman of the company or Publisher of newspaper, he could not be imputed with knowledge of contents in the impugned articles, and, therefore, the proceedings against the petitioner viz., Dasari Narayana Rao were quashed. Similarly, against the same petitioner/A3, another case was filed by a person alleging that the article published in the newspaper by name Vartha was defamatory, that was in respect of C.C. No.262 of 2002 on the file of Judicial First Class Magistrate, Mahaboobnagar District, in Criminal Petition No.590 of 2009 this Court, vide order dated 19.08.2010, quashed the proceedings against the petitioner herein, who was also the accused therein, holding that he being the Managing Director of the newspaper concerned is not in charge of the news item published in the newspaper and that he is only responsible for the managerial affairs of the company and he is not liable to be prosecuted for the news item published in concerned newspaper.

5. In the instant case also, A3 is the CMD of Vartha newspaper. He cannot be said to be having knowledge about the news items published in the newspaper, which has circulation throughout the State.

6. It is submitted that further proceedings in the present case were stayed so far as A3 is concerned, and the case was allowed to be proceeded against the non-

petitioners/A1 and A2. It is further submitted that the main case viz., C.C. No.5 of 1998, which is against the non-petitioners/A1 and A2, has been dismissed. In that view of the matter, the proceedings in C.C. No.5 of 1998, so far as A3 is concerned, are liable to be quashed.

7. In the result, the Criminal Petition is allowed, and the proceedings in C.C. No.5 of 1998 on the file of the learned V Metropolitan Magistrate at Visakhapatnam, are hereby quashed so far as petitioner herein/A3 is concerned.

As a sequel thereto, miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 31.07.2015

MVA

HON'BLE SRI JUSTICE M.S.K. JAISWAL

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