

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 1032 of 2016**

- Lakhan Lal S/o Budhram Teli, R/o Village Pondi, Police Station/Tahsil Nawagarh, District Janjgir Champa, Chhattisgarh.

---- **Petitioner****Versus**

1. Uttara Kumar S/o Arjun Lal Sahu,
2. Suphal S/o Sadhu,
3. Ram Dulari S/o Sonou,
4. Harnarayan S/o Late Mohan Lal,
5. Vyas Narayan S/o Late Mohan Lal,
6. Krishna Kumar S/o Kartik Ram,
7. Dau Ram S/o Malik Ram,
8. Sonau Ram S/o Babu Lal,
9. Rajesh S/o Ram Khilawan,

All above are by Caste Teli, R/o Village Pondi, Police Station / Tahsil Nawagarh, District Janjgir Champa, Chhattisgarh.

---- **Respondents**

For Petitioner : Mr. Ritesh Verma, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****20/09/2016**

1. The present Cr.M.P. has been preferred by the Petitioner seeking leave to appeal from this Court against the order of acquittal dated

07.07.2016 passed by the Judicial Magistrate, First Class, Nawagarh, district Janjgir-Champa in Criminal Complaint Case 226/2015.

2. Learned Counsel for the Petitioner submits that the Court below has not properly appreciated the evidence which have come on record so far as the act on part of the Respondents by which the status and position of the petitioner has been defamed. He further submits that the Court below has in a mechanical manner without appreciating the entire evidence which have come on record has simply rejected the Criminal Complaint Case.
3. Learned Counsel referred to the evidence of PW – 1, Vijay Kumar Manhar who was examined on behalf of the complainant and submitted that in the statement of the said PW-1 there is a specific averment of having a village meeting conducted on behest of the Respondents herein and in the village meeting they had taken a decision for boycotting the Petitioner. According to the Petitioner this averment of the PW-1, Vijay Kumar Manharan is sufficient to prove an act of defamation committed by the Respondents and this has not been properly appreciated by the Court below. Therefore, the impugner order deserved to set aside/ quashed and against the said judgment leave to appeal may be granted.
4. Having considered the statement of the Counsel for the Petitioner and on perusal of the record enclosed along with the present Petition

what is clearly reflected that perhaps there was a land dispute going on between the Petitioner and the Respondents. In the course of dispute a village level meeting was called in which both the parties to the dispute had voluntarily participated and any decision taken there being accepted to have happened. Thus in the opinion of this Court there is sufficient indication that the Petitioner had voluntarily participated in the said village meeting and there in the course of the meeting the village elders has passed a resolution.

5. Even otherwise if we take into consideration the entire contention of the Petitioner as it is even then the ingredients required for the purpose of bringing home offence under Section 499 IPC is missing. The alleged act on the part of the Respondent by no stretch of imagination can be brought within the ingredients as stipulated under Section 499 IPC so as to bring home an offence.
6. Having such material piece of evidence available before the Court below, in the opinion of this Court no strong case is made out by the Petitioner for grant of leave to appeal .
7. Accordingly, the present CrMP being devoid of merits, the same is rejected. Consequently, the leave to appeal stands rejected.

Sd/-

**(P. Sam Koshy)
JUDGE**