

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P No. 1030 of 2016

Mangtu Ram Sharma S/o Late Radha Kishan Sharma Aged About 68 Years R/o Sadar Bazar, Raigarhia Gali, Champa, Police Station Champa, Civil & Revenue District Janjgir- Champa, Chhattisgarh.

---- Petitioner

Versus

1. B. L. Surakshit Aged About 53 Years Chief Municipal Officer, Municipal Council Champa, Presently Posted At Municipal Council, Sakti, District Janjgir - Champa, Chhattisgarh.
2. Ram Narayan Pandey S/o Raghuvar Prasad Pandey Aged About 53 Years Incharge Assistant, Water Supply Department, Clerk Grade- I I I , Municipal Council Champa, District Janjgir-Champa, Chhattisgarh. Presently Posted As Incharge Chief Municipal Officer, Nagar Panchayat, Chhuri, District Korba, Chhattisgarh.
3. State Of Chhattisgarh Through The District Magistrate, Janjgir-Champa, Chhattisgarh.

-----Respondents

For Petitioner:	Shri Ravindra Agrawal, Advocate.
For Respondent/State:	Shri OM P. Sahu, Government Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

19.9.2016

1. The present Cr.M.P under Section 482 Cr.P.C has been preferred assailing the order dated 12.5.2016 passed by the Sessions Judge, Janjgir-Champa in Criminal Revision No.83/2015.
2. The relevant facts for adjudication of the case are that the Petitioner claims himself to be the District President of the BJP Sahkarita Prakostha as also the Ex. Director of Krishi Upaj Mandi Samiti, Champa and also of holding other prestigious posts having good reputation in the society.
3. According to the Petitioner, a complaint was made by one Shailesh Kumar Sharma in respect of the Petitioner's using illegal water supply from the

tap connection provided for public use. Based on the said complaint made by Shailesh Kumar Sharma, Respondent No.1 – the Chief Municipal Officer and Respondent No.2, who was the In-charge Assistant in the Water Supply Department of Municipal Council, Champa issued a show cause notice to the Petitioner so far as the illegal tap connection has been taken. According to the Petitioner, subsequently, the show cause notice was acted upon and it was found that he has illegally taken connection and the tap connection also got disconnected. According to him, this act on the part of Respondent Nos. 1 & 2 is defamation as the reputation of the Petitioner in the society has got lowered. Therefore, he has filed a case against Respondents No.1 & 2 as well the Complainant Shailesh Kumar Sharma for an offence under Section 500 IPC. According to the Petitioner, while Respondents No.1 & 2 acted upon the decision taken on the show cause notice, a large number of people had gathered and in the process, the reputation of the Petitioner has been adversely affected particularly of his being in the public service.

4. According to learned Counsel for the Petitioner, the two Courts below i.e. Magistrate Court, at the first instance, refused to register the complaint on the ground of not having proper sanction for the prosecution of the Respondents No.1 & 2 and the revisional Court rejected the Revision Petition on the ground that the allegation levelled against the Petitioner would not fall within the definition of defamation as defined under Section 499 IPC. According to him, the revisional Court has not considered the stand that the Trial Court had taken while refusing the registration of the complaint.

5. True it is that the High Court in exercising its jurisdiction under Section 482 Cr.PC by itself has inherent powers to meet the ends of justice. The finding of the revisional Court clearly reflects that it has gone on the merits of

the case to ascertain whether defamation has in fact been made or not and has not considered the case of the Petitioner in respect of the reason given by the Magistrate Court while refusing to entertain the complaint.

6. However, the fact still remains that on the merits of the case, the Petitioner has not been able to convince firstly the revisional Court and this Court also as to how the act on the part of Respondents No.1 & 2 who had acted in accordance with the provisions of the Municipalities Act and also issued a show cause notice before action was taken would fall within the definition of defamation as is required under Section 499 IPC.

7. There is also a fair acceptance on the part of the Counsel for the Petitioner in as much as admitting the fact that there was no publicity made by the Respondents while issuing show cause notice in as much as it was not published in either the print or electronic media so as to get a wide coverage by which his reputation in the society could have received any dent. He further submits that the show cause notice was issued in the personal capacity which also clearly reflects the action on the part of the Respondent to be purely in accordance with the provisions of the law governing the institution of the Municipal Council, Champa.

8. Thus, for the foregoing reasons, this Court does not find any illegality or infirmity committed by the revisional Court in holding that the case of the Petitioner does not fall within the ambit of defamation as is defined under Section 499 IPC and the instant Revision Petition, being devoid of any merits, the same is liable to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE