

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 849 of 2016**

Hira Ram Suryavanshi S/o Patwari Suryavanshi, aged about 48 years, R/o - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh

---- Petitioner

Versus

1. Tilak Ram S/o Late Baharuram Suryavanshi, aged about 70 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
2. Sani Das S/o Late Nanki Suryavanshi, aged about 65 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
3. Mohan Lal S/o Late Dhanaram Suryavanshi, aged about 50 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
4. Ganeshi S/o Late Kartik Ram Suryavanshi, aged about 55 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
5. Suberam S/o Late Timan Suryavanshi, aged about 48 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
6. Mansaram S/o Late Sonsai Suryavanshi, aged about 63 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
7. Tularam S/o Late Tilak Ram Suryavanshi, aged about 50 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
8. Ganpat S/o Late Shayam Lal Suryavanshi, aged about 52 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir - Champa Chhattisgarh
9. Itwari S/o Late Baharta Suryavanshi, aged about 57 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir – Champa, Chhattisgarh
10. Paras Ram S/o Late Samaru Ram Suryavanshi, aged about 58 years, R/o. - Village - Banari, P.S. - Janjgir, District - Janjgir - Champa Chhattisgarh

---- Respondents

For Petitioner : Shri F. S. Khare, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

12/08/2016

The present petition has been preferred against the order dated 19.05.2016 passed in Criminal Revision No. 130/2015 whereby the 1st Additional Sessions Judge, Janjgir-Champa has rejected the revision preferred by the petitioner and in the process has affirmed the order dated 29.10.2015 passed by the CJM, Janjgir in an unregistered complaint.

2. Facts of the case in brief are that the petitioner-complainant had filed a complaint before the CJM, Janjgir against the respondents for punishing them for the offence under Section 500/34 IPC and Section 11 (f) of Money Lenders Act, 1934. The CJM taking into consideration the evidence brought on record dismissed the complaint on 29.10.2015 holding that there was a settlement between the parties. Subsequently, the said order dated 29.10.2015 was subjected to challenge in a revision registered as Criminal Revision No.130/2015 before the 1st Additional Sessions Judge, Janjgir-Champa. The Revisional Court vide impugned order dated 19.05.2016 reached to the conclusion that the contents of the complaint and the statement of the complainant do not disclose any ingredient which is required for making out a case of defamation against the respondents.

3. Counsel for the petitioner submits that the two Courts below have committed error of law to the extent of not appreciating the fact that there was specific allegation and averment levelled by the petitioner-complainant against the respondents of having banned the petitioner and his family members in the society in which they are living. This according to the counsel for the petitioner had lowered the image of the petitioner in the society and therefore, the case under Section 500/34 IPC ought to have been registered against the respondents by the Court below.

4. Having considered the argument put forth by the counsel for the petitioner and also taking note of the allegations and submissions made in

the said complaint, this court is of the opinion that the petitioner from his submissions or from his pleadings has not been able to disclose the ingredients which could make out a case of defamation against the respondents. The main ingredient for bringing home the offence of Section 500 i.e. defamation is condition stipulated in Section 499 which is missing from the complaint as well as in his pleading. The only act is alleged to be the village meeting with no record specific against each of the alleged accused person. Thus, in the opinion of this Court, no illegality of infirmity has been committed by both the Courts below while rejecting the complaint case at the first instance and subsequently the revision petition vide impugned order dated 19.05.2016.

5. Thus, the instant CrMP being devoid of merit deserves to be and is accordingly dismissed.

6. However, reluctance of this Court should not come in the way of the petitioner while availing the other remedies available under the law.

Sd/-
(P. Sam Koshy)
JUDGE