

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1549 OF 2015

Venkatraman Guruvayurappan

.....Petitioner/
Orig. Accused

V/s.

State of Maharashtra & Ors.

.....Respondents

* * * * *

Ms. Rama S. Pendalkar, Advocate for the petitioner.

Mr. Ashish S. Chavan, Advocate for respondent no.1.

Ms. Poonam Bhosale, APP for State, respondent no.2.

Coram :- Smt. R.P. SondurBaldota, J.

1st March, 2016.

P.C. :-

1). This petition is directed against the order of the trial Court dated 1st March, 2014 issuing process against the petitioner for the offence punishable under Section 500 Indian Penal Code and the order dated 6th December, 2014 of the Sessions Court dismissing the petitioner's Revision Application No. 80 of 2014 challenging the order of issuance of process. Ms. Pendalkar, the learned Advocate appearing for the petitioner submits that, the complaint cannot be said to make out the offence alleged, as there is no publication of the defamatory imputation. The alleged defamatory imputation is contained in the email dated 10th

September, 2012 sent by the petitioner to his brother-in-law. It contains defamatory statements as against respondent no.1 and her family members. Since it is not a direct communication either to respondent no.1 or to her family members, it cannot be said that there is no publication of defamatory imputation.

2). The second contention advanced on behalf of the petitioner is that, the email dated 10th September, 2012 had been sent by the petitioner by way of a reply to the email sent on the same day by the brother-in-law of the respondent. The email sent by the brother-in-law has also been annexed to the petition. That email does not contain any defamatory statement. Even if it were to contain some imputation, that does not absolve the petitioner of the criminal liability.

3). Thirdly, it has been submitted by Ms. Pendalkar that the observations of the Sessions Court as regards the maintainability of the Revision Application before it on the ground that the order impugned therein is an *inter-locutory* order, is not correct. Since the Sessions Court has first considered the merits of the matter to arrive at its conclusion as regards the Revision Application, any subsequent observation about maintainability of the Revision Application will be of no significance. In my opinion, the Courts below have correctly held that, the material on record indicates that, there are grounds for proceeding against the petitioner. Hence, the writ petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)