

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.A-1120-MA of 2014 (O&M)

Date of decision: August 03, 2016

Krishan Singh

...Applicant

Versus

Acharya Baldev Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Dilpreet Singh, Advocate
for the applicant.

INDERJIT SINGH, J.

Applicant-Krishan Singh has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondent Acharya Baldev Singh, challenging the impugned judgment dated 19.05.2014 passed by learned Judicial Magistrate Ist Class, Rohtak, vide which the accused-respondent was acquitted.

It is mainly stated in the application that accompanying appeal is being filed which is likely to succeed on the grounds taken therein. It is further stated that judgment passed by learned JMIC, Rohtak is unsustainable in law and the same is liable to be set aside. It is, therefore, prayed that leave to appeal be granted.

As per the record, the complainant Krishan Singh filed a complaint against accused Acharya Baldev Singh under Sections 499 and

by learned JMIC, Rohtak, are as under:-

“2. The allegations in brief are that he is trustee of Bandi Chhor Bhakti Mukti Trust, Satlok Ashram, Karontha, District Rohtak and Sant Rampal Ji Maharaj is its Guru. On 18.12.2005 accused Baldev Acharya, President, Arya Partinidhi Sabha Haryana, Dayanand Math, Rohtak led a demonstration of Arya Samajist and without any reason and logic issued a false and defamatory statement against him to the effect that anti-social fabrications and activities are being directed from the ashram of complainant and the said statement was published in Hindi Daily Amar Ujjala on 19.12.2005 and as a consequence thereof, was read by a large number of people who held him in high esteem and the reading of that statement made them to lose the respect and honour of him in their minds. Sh. Bijender Singh and Sh. Kartar Singh telephoned him and said that he, his Ashram and the Guru of the Ashram had lost much prestige and respect in their eyes after reading the statement issued by Sh. Baldev Acharya and published in Hindi Daily ‘Amar Ujjala’ on 19.12.2005 alleging anti-social and anti-national activities being conducted and directed from Karontha Ashram. These persons expressed their above referred views publically and to Sant Rampal Ji Maharaj also. Accused Acharya Baldev Singh further issued a false statement knowing the same to be false with an ill-intention to defame the Ashram of the complainant and also to injure the moral character of the Guru Maharaj of this Ashram Sant Rampal Ji Maharaj in the eyes of his devotees and large number of others who always kept the Ashram and its Guru in high esteem. Accused stated that suspicious activities of Karontha Dera be investigated by CBI. In fact, accused knew it well that neither any suspicious activity was being directed from the said Ashram. Simply to defame the Ashram and its Guru Maharaj, accused issued the false and defamatory statement which was published beside other papers in Hindu Daily ‘Amar Ujjala’ dated 19.12.2005. Accused Baldev Singh alleged in the said statement that anti-social activities are being conducted and directed in the Karontha Ashram. The said statement was defamatory and was leveled without any reason or logic. Moreover, the accused had no reasonable basis to level the said defamatory allegation which is very serious in nature except the malice the accused carries against the complainant, his Ashram and Guru Ji of the Ashram Sant Rampal Ji Maharaj. Moreover, the accused knew it while he leveled the above mentioned defamatory allegation that the said allegation was false and was intended to defame the complainant, his Ashram and Guru of the Ashram Sant Rampal Ji Maharaj. Neither the said statement was issued to serve any public interest nor the same was truthful. The accused has thus by intentionally issuing the said false and defamatory statement publically committed offence under Sections 499/500

I.P.C. Hence, the present complaint. ”

The complainant in pre-charge evidence examined himself as PW-1, Bijender as PW-2 and Kartar Singh as PW-3 and tendered documents Newspaper Mark-A and News Ex.PW3/A.

Learned JMJC, Rohtak, after appreciating the evidence, acquitted the accused-respondent vide judgment dated 19.05.2014.

I have heard learned counsel for the applicant and have gone through the record, especially the impugned judgment.

At the time of arguments, nothing has been pointed out as to which material evidence has been misread and which material evidence has not been considered by the Court below. Nothing has been pointed out as to how the findings are perverse and what illegality has been committed by the Court below.

The perusal of the impugned judgment shows that applicant has not called the record of the newspaper office nor the newspaper has been proved as per law. The newspaper is not per se admissible document. It is to be proved by the complainant that as to who published the news and at whose instance. The complaint is filed only against Acharya Baldev Singh. He is not connected with the newspaper in any way. No other person including the correspondent of the newspaper has been made a party. Even, the correspondent has not been examined to show that news in question was published at the instance of Acharya Baldev Singh.

Keeping in view the above discussion, I find that findings have been given after appreciating the evidence in right perspective. In no way, the findings can be held as perverse. The impugned judgment dated

19.05.2014 passed by learned JMIC, Rohtak, is correct, as per law and evidence and does not require any interference from this Court. No ground is made out for grant of leave to appeal and therefore, the present application stands dismissed.

August 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No