

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 395 of 2017**

G. R. Ramesh Kumar S/o Late Radha Krishna, Aged About 75 Years
R/o Plot No. 75, Street No. 4, Sundar Nagar, West Kohka, Bhilai,
Tahsil And District- Durg, Chhattisgarh.

---- Applicant**Versus**

Ajit Kumar G. S/o Late Shri G.S. Guruswami, Aged About 48 Years R/o
New India Insurance Company Limited, 87, Mahatma Gandhi Road,
Fort Mumbai (Maharashtra), Presently R/o At The New India
Assurance Co. Ltd, Hubli Regional Office (680000)2nd Floor, Srinath
Complex, New Cotton Market, Hubli 580029

---- Respondent

For applicant – Shri Tarendra Kumar Jha, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****18/08/2017**

1. Instant petition is against the order dated 17/01/2017 whereby revision filed by the respondent Ajit Kumar G. was allowed.
2. As per the case of the complainant/applicant herein, a complaint case was filed under section 500 and 120-B of IPC against 11 complainants by the applicant before JMFC and it was alleged that the applicant who was working as Development Officer in New India Insurance Company Limited, false allegations were alleged for which he was transferred to Vishakapatnam. Report was made by one Mausami Rai with connivance with other co-accused and on that a case was registered. Subsequently, the applicant was acquitted of the criminal case and since all the accused conspired with each other to inculcate the applicant in a false case, therefore defamation was caused on complaint being filed. Initially when complaint was registered one of the accused respondent herein who was numbered as 11 challenged the same by way of revision before Additional Sessions Judge, Durg. Additional Sessions Judge, Durg admitted the said criminal revision and acquitted the

respondent. Therefore, this instant revision.

3. Learned counsel for the applicant would submit that discharge of the respondent from the criminal case under Section 500 read with 120-B of IPC as illegal cannot be sustained since evidence was available before the JMFC after enquiry and on that basis after enquiry, JMFC had registered the case which should not have been interfered by the revisional court of the Sessions Judge. It is stated at the threshold such discharge from the criminal case would amount to failure of justice and exceeding all the jurisdiction of the court of ASJ. Therefore, same be set aside.

4. Perused the order of the learned JMFC court as also documents filed along with this petition which contains complaint under Section 500 read with 120-B of IPC. Two of the statement are placed on record one is of Rajendra Das Vaishnav who was examined on behalf of the complainant and another is of complainant himself G. Ramesh Kumar who is applicant herein. In his statement complainant contended that while he was working in New India Insurance Company and he was holding the post of Joint Secretary of Bhartiya Bhima Karamchari Sena, at that time accused No.11 Ajit Kumar was Divisional Manager. During such time some dispute took place with one Gyaneshwar Prasad Dubey and Ajit Kumar the present respondent had all the impression that present applicant was involved in that. Therefore, on such assumption threat was extended that he would be inculpated in the false case of woman atrocities and scheduled caste and scheduled tribe case.

5. Subsequently, statement would show that Mausami Rai had made a complaint of indecent behaviour and abuse etc. against the applicant in the year 2005 on which departmental enquiry was commenced wherein applicant was exonerated. After the initial enquiry, the respondent had pressurized for further enquiry and he supported the cause of second enquiry. Therefore, another enquiry was also held and defamatory statements were made in the

news paper, TV channel etc. Subsequently, it is stated that on a case registered on behalf of the Mausami Rai under section 345, 294 and 341 of IPC applicant was acquitted. It is further alleged that on the different occasion he was humiliated in the office and he was not allowed to work and channel gate of the office were closed. Thereby it was alleged that in the report which was made by Mausami Rai respondent had also conspired. The perusal of record would show except for such bald and omnibus statement nothing has been stated how defamation has been caused. It is also not been made clear by the applicant who was author for such defamation and facts are not clear and no evidence is existing. Statement of Rajendra Das Vaishnav one of the witness examined on behalf of the complainant also falls in same line and omnibus allegations have been made. It is stated by the witnesses that since respondent was holding animosity against the applicant as such he was inculpated in false case through another lady. Perusal of the statement reading it with the finding given by the learned court below I do not find any iota of evidence, only bald and omnibus opinion has been made, such opinion cannot be accepted as evidence. No facts are available and only hearsay facts have been stated against the applicant which are not admissible in the evidence.

6. In view of this, the order of the revisional court whereby the respondent have been discharged cannot be faulted with. Therefore, I am not inclined to interfere in such order. Accordingly, the petition is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE