

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 296 of 2017**

1. N. K. Mitra S/o Late Shri N.D. Mitra, Aged About 64 Years R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.
2. A. R. Thakur, S/o Late Shri S.L. Thakur, Aged About 66 Years R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.
3. Arun Kumar Shukla, S/o Late Shri Gendlal Shukla, Aged About 49 Years R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.
4. Smt. Ashmita Pandey, W/o Anup Ranjan Pndey, Aged About 43 Years R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.

---- Petitioners**Versus**

1. Jayant Katkar S/o Late Shri T.S. Katkar, Aged About 46 Years - R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.
2. Vasudev Jotwani, S/o K.C. Jotwani, Aged About 48 Years R/o- Sales Tax Colony, Raipur, Tahsil & District- Raipur, Chhattisgarh.
3. State Of Chhattisgarh, Through Collector, Raipur, Chhattisgarh.

---- Respondents

For the Petitioners : Shri B.D. Guru, Advocate.
 For the Respondent/ State : Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order****05.07.2017**

1. In this petition, the prayer made by the petitioners is to invoke the powers of this court under Section 482 of the Code of Criminal Procedure to interfere with the impugned orders passed by the court below.
2. Respondents No.1 and 2 have filed a complaint against the petitioners alleging that the respondents are office bearers of the Vikray Kar Vibhag Sahakari Grih Nirman Samiti, Raipur.

3. The petitioners submitted an application dated 4.2.2012 before the Collector, Raipur making defamatory statement against the private respondents leveling various allegations and addressing them as antisocial elements. The copy of the application was placed in appeal by the complainant/ accused before the Joint Registrar and that the statement made by the petitioners is baseless and false, the same is based on ulterior motive and it was treated that such amounts to publication, which has adversely affected the reputation and image of the private respondents. After conducting enquiry under Section 202 of the Cr.P.C., the trial court has taken cognizance against the petitioners for trial of offence under Section 500 of the Cr.P.C. and passed the orders for appearance of the petitioners before the court. This order was challenged before the court of Sessions Judge, Raipur in Criminal Revision No. 258 of 2016 and the Additional Sessions Judge, Raipur vide order dated 2.2.2017 decided and rejected the revision petition. Hence, this petition.

4. Learned counsel for the petitioners submits that mere submissions before an authority that a person is antisocial element does not amount to defamation as defined under Section 499 of the Indian Penal Code. Petitioner No.1 - N.K. Mitra has filed a complaint under Section 500 of the IPC against respondent No.2 – Vasudev Jotwani and to counter the effect of this complaint, the respondents have sought to file a complaint against the petitioners without any basis. The trial court has erred in law by taking cognizance in the complaint against the petitioners. Hence, it is prayed that the petition be allowed.

5. Section 499 of the IPC does not specify as to the words which may be spoken or intended to be read which may form in imputation concerning to harm the reputation against the person. It is stated in the complaint that the private respondents are responsible citizens, hence, the term 'antisocial element' used for them in an application to the public office amounts to publication of an imputation against them and it is also alleged that it is a false imputation against them. Further publication does not have a broad meaning for the purpose of the prosecution under Section 500 of the IPC. It is sufficient that if any imputation which is claimed to be false is made generally known or communicated to any person other than the person against whom such imputation is made.

6. Considering the facts and circumstances of this case and on the basis of the reasons aforementioned, no opinion can be formed that there has been abuse of process of law or any interference is required to secure the ends of justice. Hence, this petition has no substance and is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge