

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 527 OF 2003

Chandan Mitra and another

....Petitioners

Vs.

The State of Maharashtra and another

... Respondents

Ms. Shivani Shah a/w Mr. Ryan Menezes i/b M/s Jhangiani
Narula and Associates Advocate for Petitioners
Ms. Neeta Jain APP for the State.

CORAM: SMT.SADHANA S.JADHAV, J.

DATED : 20th APRIL, 2017.

JUDGMENT:

1) Heard.

2) In the order dated 06/04/2017, the learned counsel for the petitioners had submitted that without prejudice to the rights of the petitioner, publication “Pioneer” will publish an unconditional apology in favour of the respondent no. 2. It was also argued that petitioners had no malice or ill will against respondent no. 2. That there was a printing error and therefore, instead of Dharmesh Nitin Shah the name of the accused printed as Nitin Shah in later

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part of the article dated 08/04/2000. Mr. Nitin Shah was aggrieved by the said article and had filed a complaint in the court of Judicial Magistrate First Class, Kalyan alleging therein that petitioner herein had committed an offence punishable under section 499 and 500 of the Indian Penal Code. The learned Judicial Magistrate First Class, Kalyan, by an order dated 15/09/2000 was pleased to issue process against the petitioner under section 500 of the Indian Penal Code. Petitioner had therefore filed present writ petition challenging the said order of issuance of process.

3) This Court by an order dated 17/04/2003 was pleased to issue Rule and interim relief in terms of prayer clause (c). Pursuant to the grant of interim relief, further proceedings in Complaint No. 337 of 2000 were stayed. Matter was listed for final hearing. Petitioner had submitted that they would rectify the said typographical error and furnish an unconditional apology by publishing an article under the caption of correction. Petitioner has complied with the said undertaking and in the issue dated 10/04/2017, correction is published. The copy of which is placed on record. The same is taken on record and marked as article 'X' for the purpose of identification.

- 4) In view of this, petition is allowed in terms of prayer clause (a).
- 5) Order of issuance of process dated 07/11/2000 is hereby quashed and set aside. Criminal Complaint No. 337 of 2000 pending before Judicial Magistrate First Class, Kalyan is hereby terminated.
- 6) Rule is made absolute in the above terms.

(SMT. SADHANA S. JADHAV, J.)