

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1484 OF 2016**

Mr. Niraj Bidawatka Applicant

Vs.

Mr. Ravi Arora & Anr. Respondent

Mr. Niraj G. Bidawatka, the Applicant in person.
Ms. Pallavi Dabholkar, A.P.P. for the respondent- State.

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

Date : 3rd March, 2017

P.C.

1 This application filed under Section 482 Code of Criminal Procedure is directed against the order dtd. 5th December, 2015, by which the trial Court has issued process against the applicant for the offences punishable under Sections 500 and 501 Indian Penal Code. The applicant herein appears in person. He contends that the complaint by respondent no.1 has been filed out of vengeance because the applicant has acted like whistle-blower in respect of several illegal actions of respondent no.1. The second argument of the applicant is that the allegations of defamatory imputations are restricted to para 11 of the complaint and the three words to which respondent no.1 has taken objection cannot be said to be defamatory. The three words referred to are “Paagal”, “Gusty” and “Butka.”

2 Perusal of the complaint shows that the defamatory imputations therein are not restricted to para 11. The further serious imputations are seen to be stated at paras 5, 6, 7, 8 and 9 of the complaint. The complaint also indicates publication of the imputations by way of emails addressed to the Administrator of the Society, copies whereof had been forwarded to the other members of the society. Respondent no.1 has annexed copies of the emails to the complaint. The statements at paras 5, 6, 7, 8, 9 and 11 alongwith the text of emails is sufficient to note, prima facie that the imputations therein are per-se defamatory. The other contention of the applicant that the complaint has been filed by way retaliation would be a defence of the applicant to the prosecution, which defence is required to be taken up at the time of trial. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)