

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 814 of 2018

Deepak Kumar Lakhotiya S/o Late M. L. Lakhotiya Aged About
57 Years R/o Danik Prakhar Samacharm Siyawa Road
Dhamtari, Tahsil And District Dhamtari Chhattisgarh Civil &
Revenue District Dhamtari Chhattisgarh --- **Petitioner**

Versus

Akhilesh Kumar Shukla S/o Late Yagya Narayan Shukla Aged
About 57 Years R/o A-1 Kanchan Vihar Colony, Police Station
Sarkanda District Bilaspur Chhattisgarh ---- **Respondent**

For Petitioner : Mr. Manaynath Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24-04-2018

1. Heard.
2. By this petition filed under section 482 of the Code of Criminal Procedure, 1973 the petitioner has mainly prayed to set aside the summon issued to him and to quash the complaint case No.11 of 2018 pending before the JMFC, Bilaspur.
3. Learned counsel for the petitioner submits that on a complaint filed under section 200 alleging that the offence has been committed under sections 500, 501 & 502 of IPC, the trial Court without going into the merits has issued the notice. He further submits that the news so published was genuine as would be evident from the letter dated 25.04.2016 filed as Annexure P-2 and therefore, the case would fall under Explanation (1) of Section 499 of IPC.

4. Perused the paper publication wherein the allegations have been attributed to the officers of the SECL including the Advocate who represented the Company in certain matters of the Company. It is alleged that the persons who were respondents were also hands in gloves and had caused damage and loss to the Company to the extent of Rs.50 crores. The allegations are also contained that it is a big scam wherein the employees have also saved the corrupt legal counsels who are being given the cases.
5. The Respondent appears to be the Legal Manager and the publication of the news also includes the names of few of the advocates. Consequently at this stage, the news publication also shows that the respondent along with counsels and other officials of the Company were involved in causing loss to the Company. When such news has been published one of the persons who was also named has filed the defamation case wherein the trial Court after evaluating the evidence and statements has issued the notice to the petitioner.
6. At this stage, the submission made by the petitioner cannot be accepted as gospel truth and can be certified that he has published the correct news which amounts to maligning or assassinating the conduct of some group of people including the advocates. The defence, if any, can be very well raised before the court below. Therefore, the Court is not inclined to exercise the power u/s 482 of the Code of Criminal Procedure to make it a fact finding and hold trial on the sole submission of the petitioner.

7. Since Prima facie reading of the complaint makes out a case, I do not find any reason to quash the issuance of summon or the complaint proceeding.
8. In the result, the petition has no merit and is dismissed.

Sd/-

**Goutam Bhaduri
Judge**