

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No. 1695 of 2018**

- Sitaram S/o Ferha Singh Aged About 43 Years R/o- Village-Bera, Post-Kanhera, Chowki-Khandsara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Incharge Outpost Khandsara, Police Station Bemetara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
2. Tansen S/o Durga Singh Patel Aged About 43 Years R/o- Village-Bera, Post- Kanhera, Chowki- Khandsara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
3. Ravendra S/o Chandan Singh Aged About 40 Years R/o- Village-Bera, Post- Kanhera, Chowki- Khandsara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
4. Ranjeet Yadav S/o Ferha Yadav Aged About 30 Years R/o- Village-Bera, Post- Kanhera, Chowki- Khandsara, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For Respondent No.1/State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

24/9/2018

1. Heard on the application for grant of leave to appeal filed under Section 378 (4) Cr.P.C.
2. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 19.7.2018 passed by the Chief Judicial Magistrate,

Bemetara, District Bemetara (CG) in Complaint Case No.186/2015, wherein the said Court has acquitted respondents 2, 3 and 4 of the charge under Section 500 of the I.P.C.

3. A complaint was filed before the Chief Judicial Magistrate, Bemetara punishable under Section 500 I.P.C. on the ground that respondents 2, 3 and 4 have published material against the petitioner in daily newspaper namely- Haribhoomi circulating in the region dated 1.3.2010 to the effect that the petitioner is a thief of service wire and he is making terrorist activities in the area with intention to harm, or knowing or having reason to believe that such imputation will harm the reputation of the petitioner.

4. In the present case, the complaint is based on a publication made in the daily newspaper Haribhoomi, but no one from Haribhoomi has been listed as a witness in the said complaint. Also no one has been examined from the said office of the newspaper to establish on whose instance such publication was made. It is nowhere found in the record that anyone from Haribhoomi office had ever been enquired regarding participation of any of the respondent in publishing the same, therefore, there is no evidence that any of the respondent had supplied material to the publisher of Haribhoomi to publish the defamatory material against the petitioner. Two witnesses namely- Sitaram and Ferha were examined from the petitioner's side, but they are also not firm whether any of the respondent has supplied the material to Haribhoomi for causing harm to the reputation of the petitioner. The trial Court after completion of the trial has evaluated the evidence in its true prospective and acquitted the respondents of the above charge.

5. Considering the facts and circumstances of the case, this Court is of the view that the trial Court has evaluated the evidence in its true perspective and there is no reason to interfere with the finding recorded by the trial Court. Accordingly, the prayer for leave to appeal is rejected.

6. Consequently, Cr.M.P. stands dismissed.

Sd/
(Ram Prasanna Sharma)
Judge