

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr. M. P. No. 26 of 2006**

Vinod Kumar Rathi, S/o Late Shri R.K. Rathi, Aged about 58 years, R/o Ramdheen Marg, District Rajnandgaon (CG). Presently posted as General Secretary, Chhattisgarh State Chess Association, Ramdheen Marg, Rajnandgaon (CG)

----Petitioner**Versus**

Sharad Chhitlangia, S/o Late Shri Kishan Chhitlangia, R/o Basantpur, Distt. Rajnandgaon (C.G.)

---- Respondent

For Petitioner	: Shri B.D. Guru, Advocate.
For Respondent	: None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/04/2019**

1. On a complaint of respondent herein, offence under Section 501 of the Indian Penal Code was registered against the petitioner and 15 other co-accused persons. The instant petitioner & other co-accused persons preferred criminal revision against the complaint made by respondent herein. The revisional Court, by its impugned order dated 24.04.2006, allowed the criminal revision of co-accused persons except the petitioner stating that he has issued press statement, which is defamatory, against which instant petitioner under Section 482 of the Code of Criminal Procedure has been preferred.

2. Learned counsel appearing for the petitioner would submit that the revisional court is unjustified in not granting criminal revision filed by the petitioner as he has issued press statements on behalf of Chhattisgarh State Chess Association to dissolve the Rajnandgaon

District Chess Association, which is presided by the respondent/complainant and, therefore, petitioner is also entitled for the same relief, which the revisional Court has granted to the other similarly situated co-accused persons.

3. I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

4. The petitioner was at relevant point of time posted and working as General Secretary, Chhattisgarh State Chess Association, Rajnandgaon and he had issued press statement on behalf of Chhattisgarh State Chess Association stating that affiliation of District Chess Association, Rajnandgaon has been revoked, which has held to be defamatory statement. The statement made by the petitioner cannot be said to be the defamatory under Section 499 of the Indian Penal Code as the statement has been made by the petitioner on behalf of Chhattisgarh State Chess Association, Rajnandgaon, which, by no stretch of imagination, can be termed as “defamatory”.

5. The Supreme Court in the matter of **Subramanian Swamy Vs. Union of India, Ministry of Law and others**¹ has defined the defamation, which states under:-

“23.4. “Defamation”, according to Chambers Twentieth Century Dictionary, means to take away or destroy the good fame or reputation; to speak evil of; to charge falsely or to asperse. According to salmond:

“The wrong of defamation, consists in the publication of a false and defamatory statement concerning another person without lawful justification. The wrong has always been regarded as one in which the court should have the advantage of the personal presence of the parties if justice is to be done. Hence, not only does an action of defamation

1 (2016) 7 SCC 221

not survive for or against the estate of a deceased person,
but a statement about a deceased person is not actionable
at the suit of his relative.”

6. In view of above, the press statement of the petitioner informing about the revocation of affiliation of the District Chess Association, Rajnandgaon, which was presided by respondent/complainant cannot be said to be defamatory, therefore, the petitioner is entitled for the same relief, which has been granted to the other similarly situated co-accused persons by the impugned order. Impugned order to the extent of petitioner is set aside.

7. Accordingly, the Cr.M.P. is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

