

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 645 OF 2018
(For Restoration)
IN
CRIMINAL APPLICATION NO. 338 OF 2016
(For Leave to Appeal)**

Mr. Krishnaji Yashwant Kokamkar Applicant

Vs.

Mr. Dilip Hari Mate & Anr. Respondents

Mr. Lakhved Odhekar a/w Mr. Rupesh Ghadi a/w Mr. Sharad Agre for the Applicant.

Mr. Swaroop Karade i/by Mr. Surel S. Shah for Respondent no.1.

Mr. S.V. Gavand, APP for Respondent No. 2- State.

Coram : NITIN W. SAMBRE, J.

Date : 13th December 2019

P.C.:

1. Though objected by the learned counsel for respondent no. 1, for the reasons stated, the application is allowed. The application for leave to appeal stands restored.

(NITIN W. SAMBRE, J.)

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1. The respondent no.1-accused came to be acquitted in S.T.C.C. No. 58 of 2009 by the learned Judicial Magistrate First Class, Chiplun, District Ratnagiri of an offence punishable under Section 500 of the Indian Penal Code.

2. An offence under Section 499 is based on paper publication. The paper publication claimed to have been proved

through the testimony of C.W. 3 Bhalchandra Vasudeo Diwadkar, Co-Editor, Dainik Sagar. However, the contents of the said publication are not proved as the C.W. 2 Subhash Anant Kadam claimed to have passed news item to the Co-Editor, has not supported the case of the complainant.

3. Apart from above, to prove the defamation, the complainant has not examined any witness.

4. In the aforesaid background, acquittal appears to be just and proper and no case is made out for grant of leave. Refused.

(NITIN W. SAMBRE, J.)