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

CRIMINAL REVISION APPLICATION NO. 176 OF 2016

Nagraj Shinde ... Applicant
V/s.
The State of Maharashtra and anr ... Respondents

Mr. Abhaykumar Apte, appointed advocate for the
Applicant.

Mr. N. B. Patil, APP for respondent State.

CORAM : N. J. JAMADAR, J.

DATE : 8th November, 2019.

PC. :

- 1] Heard learned counsel appointed to espouse the cause of the applicant.
- 2] This revision application is preferred by the applicant through prison, being aggrieved by and dis-satisfied with the order below application (Exh.72) in Special Case No.35 of 2015, passed by the learned Additional Sessions Judge, Pune, dated 18th December, 2015, whereby the prayer of the applicant to proceed against the Investigating Officer for the offences punishable under Sections 500 and 501 of the Indian Penal Code, came to be rejected.
- 3] The applicant is arraigned for the offence punishable under Section

376 of IPC and section 3 and 4 of the Protection of Children from Sexual Offences Act 2012, and Section 3(1)(xi) (xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The substance of the complaint of the applicant was that in reply to the Bail Application, the Investigating Officer had made an assertion that the applicant was disposed towards commission of sexual offences. Thus, the Investigating Officer be prosecuted for the offence of defamation of the applicant.

4] The learned Sessions Judge was not persuaded to take note of the complaint as, in view of the learned Sessions Judge, the allegedly defamatory statement was made in the document produced before the Court only and there was no publication as such.

5] The view recorded by the learned Sessions Judge, appears to be well founded. The 8th exception to Section 499 of the Indian Penal Code provides that it is not a defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with regard to the subject-matter of accusation.

6] Thus, the impugned order does not warrant any interference in exercise of the revisional jurisdiction. Hence, the Revision application stands rejected.

[N. J. JAMADAR, J.]