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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 06/07/2022

CORAM:

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.695 of 2016

R.Rajendran : Revision Petitioner/
Petitioner

Vs.

1.CHO.RAMASAMY,
Editor,
Thuglak bi-weekly Magazine,
No.166 (Old No.46)
Greenways Road,
Chennai-600 028.

2.K.Saminathan
Publisher,
Thuglak bi-weekly Magazine,
No.166 (Old No.46)
Greenways Road,
Chennai-600 028 : Respondents/Accused

Prayer: Criminal Original Petition is filed under
Section 401 r/w 482 Cr.P.C against the impugned order
dated 02/09/2016 in C.M.P No.6892 of 2018 on the file of
the Judicial Magistrate No.1, Karur.

For Petitioner : Mr.R.Narayanan

For Respondents : No appearance

**ORDER**

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This criminal revision is filed seeking in order to set aside the order, dated 02/09/2016 made in C.M.P No.6892 of 2016 on the file of the Judicial Magistrate No.1, Karur.

2.The case of the prosecution is that a cartoon of cover page in the Thugalak weekly magazine was published, on 31/08/2016; It has depicted as if the members of the Bar Association made a complaint with the Association President and others stating that the if the Association asked the members to stop the agitation, they are unable to pass time in the house; They do not know any other thing; With this, he requested the President as to when the agitation is going to be started.

3.By enclosing the carton, petition was filed by the complainant under section 200 Cr.P.C before the trial court stating that the carton defamed the advocates. Because of the above said carton, the complainant suffered mentally and also stated that he was insulted. So the accused persons are liable to be punished under sections 499, 500, 501 and 502 IPC.



4. Before the trial court, on behalf of the complainant, he was examined himself as PW1. After that, the trial court thought it fit to dismiss the complaint stating that no *prima facie* case is made out to take cognizance and issue process to the accused persons. Against which, this criminal revision came to be filed by the petitioner.

5. Heard the learned counsel appearing for the petitioner. There was no representation for the second respondent. The first respondent is stated to be dead and no steps have been taken to implead the representative of the deceased.

6. Along with the typed set of papers, the petitioner has produced the copy of the cartoon, that was published in the weekly in the cover page, wherein we find that before the office-bearers of the Bar Association, one of the bar members has stated that if they asked them to withdraw the boycott suddenly; they find it very difficult to pass time in the house. They did not know any other things.



7.This carton, according to the learned counsel appearing for the petitioner, insulting the fraternity of the entire legal system as if they are not having any work, except boycotting the court.

8.Absolutely, I am unable to find any insult or defamatory. Frequent boycott of the court is nothing new. Only on that occasion, the above said carton has been published. But in what way, the petitioner has been defamed, being one of the members of the Bar association is not known and this carton must be taken in the lighter vein. Absolutely, I find no offending words in the carton. So the order that has been passed by the trial court requires no interference.

9.In the result, this criminal revision is **dismissed.**

06/07/2022

Index:Yes/No
Internet:Yes/No
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To,

The Judicial Magistrate No.1,
Karur.



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G. ILANGO VAN, J

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