

AGK

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

WRIT PETITION NO.489 OF 2022

Amruta Sandeep Suryawanshi & Anr. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. R.C. Barge for the petitioners.

Mr. M.G. Patil, APP for respondent no.1/State.

Mr. Dhruv Balan with Ms. Tanvi Tapkire for respondent no.2.

CORAM : AMIT BORKAR, J.

DATED : APRIL 5, 2023

P.C.:

1. The writ petition is directed against judgment and order dated 20th January 2022 passed by the learned District Judge – 6 and Additional Sessions Judge, Sangli in Criminal Revision Petition No.66 of 2021 confirming order of issuance of process dated 9th November 2021 passed by the learned Judicial Magistrate First Class, Sangli (Court No. 4) in Summary Criminal Case No.353 of 2020 for offence under section 499 and 500 read with section 34 of IPC.

2. Respondent no.2 filed complaint contending that the accused made defamatory statements in a proceedings for divorce filed against the complainant. Despite issuance of legal notice, petitioners continued to defame the complainant.

3. Learned Magistrate by a detailed order after holding inquiry under section 202 of the Criminal Procedure Code, 1973 passed order of issuance of process which runs into four pages and the Court has prima facie considered the allegations made against the complainant. Based on the averments in the complaint and material on record, learned Magistrate prima facie recorded a finding that the statements made by the accused were intended to harm reputation of the complainant. Challenge against the said order has been negated by the revisional Court. The revisional Court while dismissing criminal revision petitioner has recorded a finding of fact that the Magistrate has conducted inquiry under section 202 of the Code. It is also held that the averments in the complaint prima facie make out offence against the complainant.

4. The findings recorded by the learned Sessions court and Magistrate are prima facie in nature and after considering averments in paragraphs 6, 7, 8 and 9, prima facie I am satisfied that there is no infirmity in the exercise of power by the Courts below.

5. Considering limited scope of judicial review against the order of issuance of process under section 499 and 500 of IPC, no case of interference is made out.

6. The writ petition, therefore, stands dismissed. No costs.

7. At the request of the learned advocate for the petitioner, ad-interim relief granted by this Court on 18th February 2022 is extended for a period of two weeks from today.

(AMIT BORKAR, J.)