

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-1057-2023
Date of Decision:03.07.2023

Roshan Lal

.....Petitioner

Vs.

Bimla and Others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Vats, Advocate
for the petitioner.

DEEPAK GUPTA, J.

Present revision is directed against the acquittal of the respondents in a complaint case filed by the petitioner and also the dismissal of the consequent revision.

2. Perusal of the paper-book reveals that on 12.07.2011 Sarpanch, Chowkidar and Panch of the village noticed that several trees had been illegally cut from the Panchayat land by Roshan Lal (present petitioner). On the complaint made by them, the Divisional Forest Officer Mahendargarh launched prosecution against him (petitioner) under Section 19 of the Punjab Land Preservation Act, 1900. However, said complaint was dismissed and the petitioner was acquitted vide judgment dated 03.10.2016 passed by learned Presiding Officer, Special Environment Court, Faridabad.

3. Petitioner then filed complaint to prosecute the respondents under Section 500 IPC. After taking necessary evidence, the complaint was dismissed on 04.09.2018 and the revision filed by the petitioner before learned Additional Session Judge, Faridabad, met the same feet vide

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judgment dated 17.05.2022.

4. It is the contention of learned counsel that both the Courts below went in error in dismissing the complaint, ignoring the fact that petitioner was compelled to face trial in a false case for a period of more than 4 years in which he was acquitted and all this caused not only the mental agony to the petitioner but also defamed him.
5. After hearing learned counsel, I find no merit in the petition.
6. Section 499 of the IPC defines defamation. 8th exception to Section 499 IPC clearly provides that it is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.
7. In the present case, respondents i.e. Sarpanch, Chowkidar and Panch, after having noticed the illegal cutting of trees reported the matter to the Divisional Forest Officer, who launched the prosecution against the petitioner. Thus respondents are well protected under 8th exception to Section 499 IPC, as they made the accusation against the petitioner in good faith to a person having lawful authority over the subject-matter of accusation.
8. In view of the above, no manifest error of law or procedure can be found in the impugned orders passed by the Courts below.
9. Dismissed.

July 03, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No