



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 503 OF 2022

VIJAY HARAKCHAND TATIYA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for the Petitioner : Mr. Lalitkumar S. Mahajan
APP for Respondents-State : Mr. S. N. Morampalle

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th November, 2025

ORDER :-

1. The petitioner has raised an exception to the judgment and order dated 16.02.2022 rendered by the learned Sessions Judge, Dhule in Criminal Revision Application No. 139 of 2017, endorsing the order dated 28.09.2017 rendered by the learned Judicial Magistrate First Class, Sindhkheda in S. T. C. No. 162 of 2017.

2. The petitioner is the Editor of weekly 'Daksh Police Times' and well known social worker in Dhule and Nashik Districts. The petitioner was holding the key posts in various institutions. It is the assertion of the petitioner that a false case was registered against him vide C. R. No. 33 of 2013 under Section 376 of the

Indian Penal Code (hereinafter "IPC" for short). Respondent No. 2 is Advertiser and Editor, also President of the Union of Press Reporter, Dhule. In order to defame the petitioner, respondent No. 2 published various defamatory news items in newspaper on 13.03.2013, 26.08.2015 and 23.02.2015. Hence, petitioner presented the complaint under Sections 499 and 500 of the IPC.

3. The learned Magistrate dismissed the complaint under Section 203 of Code of Criminal Procedure recording that both the articles / news items pertain to reporting of proceedings of the Court and it is not the defamatory to publish a report of a proceeding of the Court of justice. Resultantly, held that the news items fell within the purview of the four exceptions under Section 499 of IPC.

4. Raising an exception to the same, petitioner presented the Criminal Revision Application No. 139 of 2018. The learned Sessions Judge rejected the Revision Application on the ground that no prima facie case is made out to proceed against the respondent No. 2.

5. Being aggrieved by the same, the petitioner

approached this Court by way of present writ petition under Article 227 of the Constitution of India.

6. The learned counsel for petitioner submits that both the Courts below have erred in rejecting the complaint / application preferred by petitioner. The petitioner has prima facie proved the fact that petitioner is a reputed person in the society and respondent No. 2 published the news items / articles in newspaper, intentionally to defame the petitioner. The acts of respondent No. 2 constitutes the offences punishable under Sections 499 of the IPC. As such, prayed to allow the petition.

7. Having heard the learned counsel for petitioner and perusal of record, it is evident that certain news items are published regarding the Court proceedings by the accused. However, the said news item merely contains the statement of facts and report of Court the proceedings. As such, the attempt of complainant to build a case of defamation that there were certain insinuations made with insensitive attitude in news item by accused, itself cannot be held to constitute offense of defamation.

8. In light of the above, the Courts below have rightly held

that the alleged news report published does not constitute the ingredients of offence Sections 499 and 500 of the IPC.

9. As such, no error could be noted in the orders rendered by the Courts below. No case is made out by the petitioner to cause interference in the impugned orders.

10. Resultantly, the writ petition *sans* merits and accordingly, the same is dismissed.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi