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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.6717 OF 2016

Abhilash s/o Sharad KhandekarAPPLICANT

VERSUS

Santosh s/o Sudhakar DeoNON-APPLICANT

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Mr Harshad H. Padalkar, Advocate for Applicant
Mr Chaitanya C. Deshpande, Advocate h/f Mr B. N. Magar Patil,
Advocate for Respondent

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 20th NOVEMBER 2025

ORDER :-

1. By this application, the applicant is approaching this Court under Section 482 of the Code of Criminal Procedure for quashing and setting aside the proceedings bearing R.C.C. No.970/2013 filed by non-applicant (original complainant) before the learned Judicial Magistrate First Class, Aurangabad for the offences punishable under Sections 499, 500, 501 and 502 read with Section 34 of the Indian Penal Code.

2. Being aggrieved by the publication of certain news items in Dainik Divya Marathi, dated 30/11/2012, 01/12/2012, 02/12/2012 and 07/12/2012, the non-applicant/original complainant had filed

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aforesaid complaint alleging that news items published in the said newspaper on the aforesaid dates are defamatory against him and in view of said publication, his image is hampered in the public at large. Therefore, he approached the Criminal Court by filing aforesaid private complaint bearing R.C.C. No.970/2013 against the applicant and other three persons. The said complaint filed against four accused person, namely, accused No.1/ Kumar Ketkar, Chief Editor of Dainik Divya Marathi, Maharashtra; accused No.2/ Abhilash Sharad Khandekar, Editor of Dainik Divya Marathi, Aurangabad Edition (present applicant); accused No.3 Dhananjay Lambe, Resident Editor of Dainik Divya Marathi, Aurangabad and accused No.4/Dinesh Gupta, Reporter of Dainik Divya Marathi, Aurangabad Edition. Initially, the said complaint was against four persons, however, learned Judicial Magistrate First Class (Railways), Aurangabad, vide the order dated 12/05/2014 taken cognizance of offence vide Section 190 of the Code of Criminal Procedure only against accused Nos.2 to 4 in respect of commission of offences under Sections 500, 501, 502 read with Section 34 of the Indian Penal Code and dismissed the said complaint vide Section 203 of the Code of Criminal Procedure against accused No.1/Kumar Ketkar, Chief Editor of Dainik Divya Marathi, Maharashtra.

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3. Heard learned Advocate Mr Padalkar for the applicant and Mr Deshpande, learned Advocate holding for Advocate Mr Magar for the non-applicant.

4. Learned Advocate for the applicant submits that the non-applicant has not made specific allegations against the applicant and the applicant has not played any role for publication of said news. He relies upon Section 7 of the Press and Registration of Books Act, 1867 (for short 'the said Act') and submits that the applicant cannot be held responsible for publication of news items in Dainik Divya Marathi. He then submits that the applicant is entitled for benefits of not issuing process against him and the same analogy is required to be applied in the present case, which was applied at the time of dismissing the complaint against main proposed accused Kumar Ketkar, who was the Chief Editor of Dainik Divya Marathi. He further submits that the applicant, at the relevant time, was Editor (Maharashtra) of Dainik Divya Marathi and as per declaration under Section 7 of the said Act, he cannot be held responsible for the publication of said news articles published on 30/11/2012, 01/12/2012, 02/12/2012 and 07/12/2012. Section 7 of the said Act reads thus :-

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“In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, 7[or, in the case of the editor, editor, a copy of the newspaper containing his name printed on it as that of the editor] shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, [or printed on such newspaper, as the case may be] that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every [newspaper] whereof the title shall correspond with the title of the [newspaper] mentioned in the declaration, [or the editor of every portion of that issue of the newspaper of which a copy is produced].”

5. According to learned Advocate for the applicant, in the news item itself, it is stated by way of a note/declaration just below the said news item that the applicant cannot be held responsible for the said publication. The said note/declaration states that the Resident Editor shall be held responsible for the news items published in the newspaper as per Section 7 of the said Act. Moreover, he submits that present applicant is not at all responsible for news items which are published in the Districts, being local news as the present applicant is the Editor for the entire Maharashtra. He, therefore, prays for

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quashing and setting aside the proceedings bearing R.C.C. No.970/2013, pending before the learned Judicial Magistrate First Class, Aurangabad.

6. Learned Advocate for the respondent vehemently opposes the present application. He supports the order of issuing process against the applicant passed by the learned Judicial Magistrate. He submits that due to publication of the defamatory news items, reputation of the applicant in the business circle as well as in financial institutes has been hampered, which caused him severe loss and mental agony. He then submits that the new items were published without enquiring and without having authentic source of information, and therefore, the applicant is responsible for publishing the said news items and thus, the lower Court has rightly issued process against the applicant. He, thus, prays for dismissal of present application.

7. Upon perusal of the documents on record and having heard the submissions of the learned Advocates for the respective sides, it is clear that, below the news items alleged to be defamatory, published in the newspaper Dainik Divya Marathi on the given dates i.e. 30/11/2012, 01/12/2012, 02/12/2012 and 07/12/2012, it is clearly stated by way of a note/declaration that, out of the Editors, who would

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be responsible for news publication. The three names of Editors of different categories have been published in the said note below the news items. Firstly, name of Mukhya Sampadak (main Editor) Kumar Ketkar; secondly, name of present applicant Abhilash Khandekar, being Editor of entire Maharashtra, and thirdly, name of one Dhananjay Lambe, being Resident Editor. There is star (*) above name of said Dhananjay Lambe and meaning of star(*) is given as responsible for the selection of news articles under the said Act. The said note clearly states that said Dhananjay Lambe, being the Resident Editor is responsible for the said publication, which is alleged to be defamatory. Admittedly, the applicant, being Editor of Maharashtra is not aware or have no role in selecting or the editing news items, which published in the different districts at local level. There is also no hesitation in saying that the petitioner is having no personal knowledge about the various news items published in Dainik Divya Marathi. In view of Section 7 of the said Act, there is official declaration to the effect that, for any legal proceedings, whatever it may be, civil or criminal, only that Editor is liable for printing and publishing every portion of newspaper. There is also no specific allegations in the complaint as regards role played by the present applicant. Designation of the applicant, being Editor of Maharashtra will not *per se* warrant an

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ignorance that he was, in any way, responsible for the selection of news items in question. Admittedly, the applicant has neither personal animosity against the complainant nor there is any such averment in the complaint. There is also no evidence brought on record to warrant an inference of guilty intention and knowledge on the part of applicant. Therefore, in view of the declaration, particularly, published at the bottom of the said news articles that the Resident Editor shall be responsible for the news published, the present applicant cannot be held responsible for publication of news items alleged to be defamatory, and therefore, it would be oppressive to let the Editor of Maharashtra to undergo the trial because of pendency of the above stated proceedings.

8. In view of the above discussion, the present application succeeds and the same is hereby allowed. The proceedings bearing R.C.C. No.970/2013 filed by non-applicant (original complainant) against the present applicant before the learned Judicial Magistrate First Class, Aurangabad for the offences punishable under Sections 499, 500, 501 and 502 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

[SUSHIL M. GHODESWAR, J.]

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