



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.1532/2024

Shri Sanjay s/o Rajendraprasad
Pandey, Aged about 54 years,
Occupation: Editor at Navprahar,
R/o Dhamangaon Railway,
Dattapur, Dist: Amravati

... **APPLICANT**

...VERSUS...

1. State of Maharashtra, through
Police Station In-Charge, Dattapur
Police Station, Amravati Rural, Tq.
And Dist. Amravati.
2. Dr. Manish s/o Subhashrao
Apturkar, Aged about 36 years,
Occupation: Medical Practice, R/o
Sarvadnya Hospital, Saroday
Society, behind L.I.C. Office,
Dhamangaon, Railway, Dattapur,
Dist: Amravati.

...**NON-APPLICANTS**

Shri T.P. Deshpande, Advocate for applicant
Ms D.I. Charlewar, APP for non-applicant No.1/State
Shri V.N. Patre, Advocate for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 29.01.2026

ORAL JUDGMENT

Heard. By consent of the parties, this matter is taken for final disposal at admission stage.

2. By this application, the applicant is seeking quashment of the proceedings registered against him for the offences punishable under Sections 384, 501 and 506 of the Indian Penal Code vide charge-sheet No.50/2020 dated 19.06.2020 and same is pending before the learned Judicial Magistrate First Class, Dhamangaron Rly., bearing Regular Criminal Case No.64/2020.

3. It is the submission of the present applicant that he is a Journalist and running his own newspaper namely 'Navprahar' in various Districts of Vidarbha since last 10 years. On receipt of one information through his sources, it is revealed that in the month of April 2011, non-applicant No.2 has purchased a plot by evading the stamp duty, therefore, he has published the news on 21.08.2019 against the present non-applicant No.2. Immediately thereafter on 22.08.2019, offence came to be registered against him on the complaint of non-applicant No.2 alleging that the present applicant was demanding an amount of Rs.18,000/- from him for

advertisement in his newspaper. On refusal of said amount, the present applicant has published a false article and thereby defamed the non-applicant No.2. Accordingly, offence came to be registered against present applicant.

4. The applicant has relied upon Section 384 of the Indian Penal Code and pointed out that unless the amount is delivered to the accused as alleged, the offence of extortion is not made out. For these provisions of law, he has relied upon the judgment of the Hon'ble Supreme Court of India in case of ***Isaac Isanga Musumba and others Vs. State of Maharashtra and others reported in (2014) 15 SCC 357***, wherein the Hon'ble Supreme Court has observed in paragraph No.3 as under:

“3. We have read the FIR which has been annexed to the writ petition as Annexure P-7 and we find therefrom that the complainants have alleged that the accused persons have shown copies of international warrants issued against the complainants by the Ugandan Court and letters written by Uganda Ministry of Justice and Constitutional Affairs and the accused have threatened to extort 20 million dollars (equivalent to Rs 110 crores). In the complaint, there is no mention whatsoever that pursuant to the demands made by the accused, any amount was delivered to the accused by the complainants. If that be so, we fail to see as to how an offence of extortion as defined in Section 383 IPC is

made out. Section 383 IPC states that:

"383. Extortion. Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits 'extortion'."

Hence, unless property is delivered to the accused person pursuant to the threat, no offence of extortion is made out and an FIR for the offence under Section 384 could not have been registered by the police."

As such, according to him, no offence is made out under Section 384 of the Indian Penal Code.

5. In respect of Sections 501 and 506 of the Indian Penal Code, it is the submission that on the information received to him from his sources, he has published the article in his newspaper on 21.08.2019. According to him, while publishing the article, he has taken care and put a question mark on the news published by him against non-applicant No.2. Hence, considering these factual aspects of the matter, the offence under Sections 501 as well as 506 of the Indian Penal Code is not attracted in the matter.

6. Learned APP has strongly opposed the present application. According to him, there are specific allegations that amount of Rs.18,000/- was demanded by the present applicant. On the refusal of the said amount, the article was published and immediately thereafter, the complaint was lodged and this specific allegation was made against the present applicant. Therefore, considering the fact that there was a news published in the newspaper run by applicant and there was a demand of Rs.18,000/-, the offence is made out for the offences punishable under Sections 384, 501 and 506 of the Indian Penal Code.

7. Learned Counsel appearing for the non-applicant No.2 states that in such cases of defamation, the evidence of the parties is very much necessary and then only the conclusion can be drawn whether the offences registered against the present applicant are made out or not. He also states that in some cases, the Trial Court can modify the offence under the various sections of the Indian Penal Code and, therefore, at this stage, no interference of this Court is required in the present matter.

8. In the present case, in my opinion, the offence under Section 384 of the Indian Penal Code is not attracted even if the allegations of non-applicant No.2 are accepted in its entirety in the matter. To attract the offence under Section 383 of the Indian Penal Code, it is necessary to demonstrate that the amount has been delivered to the accused and then only the offence is attracted. From the allegations of the non-applicant No.2, it is clear that he has never given that amount, which according to him, demanded by the present applicant. Hence, considering the law laid down by the Hon'ble Supreme Court in case of *Isaac Isanga Musumba and others (supra)*, I am of the considered opinion that offence under Section 384 of the Indian Penal Code is not made out against the present applicant.

9. In respect of offence under Sections 501 and 506 of the Indian Penal Code, learned APP as well as non-applicant No.2 have rightly pointed out that there is an article published by the applicant in his newspaper 'Navprahar' on 21.08.2019 and immediately thereafter on 22.08.2019, the police complaint has been lodged by non-applicant No.2.

10. At this stage, considering this admitted fact, it would not be proper to consider the validity of the article and the reason behind the publication of the same, at the instance of non-applicant No.2. In my opinion, for that purpose, the trial is required to be conducted wherein both the parties will get an equal opportunity to prove their case before the competent Court of law. Hence, in my opinion, for the offence under Sections 501 and 506 of the Indian Penal Code, evidence is required to be recorded in the matter and for that purpose, the trial can be continued against the present applicant in the matter.

11. Hence, I proceed to pass the following order:

ORDER

- i) The application is partly allowed.
- ii) The proceedings of Regular Criminal Case No.64/2020 arising out of charge-sheet No.50/2022 pending before the learned Judicial Magistrate First Class is quashed and set aside against the present applicant for the offences punishable under Section 384 only.

iii) The trial against a present applicant will continue for the offence punishable under Sections 501 and 506 of the Indian Penal Code.

iv) It is made clear that the Trial Court should not be influence by the findings recorded by this Court in the matter while deciding the trial on its own merits.

12. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare