



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

CRIMINAL APPLICATION (APL) NO.1597/2024
(Mohan Uttamrao Pande Vs. State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.V. Karnavat, Advocate for the applicant.
Ms. M.A. Barabde, A.PP for the non-applicant No.1/State.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED: 28.4.2026.

1. The applicant has filed the present application to quash and set aside the F.I.R., charge-sheet, and R.C.C. No.1714/2025 arising out of Crime No.0278/2024 dated 15.09.2024 and Crime No.90/2025 dated 03.11.2025 for the offences punishable under Sections 308(2), 351(4), and 356(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Allegations of extortion have been made against the applicant, who is a journalist. The complainant is a Government contractor of the Public Works Department and holds a licence to carry out work up to Rs.1.5 crores allotted to him by the government agency. The non-applicant No.2 holds a licence to carry out work up to Rs.30 lakhs for Zilla Parishads.
3. On 05.09.2024 at about 2:30 p.m., when the non-applicant No.2 was present in the premises of Zilla Parishad, Akola, he received a phone call from the applicant. The applicant informed him that the work order list issued under Fund Scheme 25/15 had become viral and that he had been allotted work under the said scheme, allegedly due to the efforts of an M.L.A. It is further alleged that the applicant demanded 10% to 15% commission and also demanded Rs. 30,000/-,

threatening that if the amount was not paid, he would publish news on his portal “*Vidrohi Maratha*” and would “see” his entire family. It is also alleged that similar threats were extended to his associate, Sharad Prabhakar Zamare, a Government contractor working with him. Further, it is alleged that the applicant subsequently published a news article on 09.09.2024 containing derogatory statements against the non-applicant No.2 and his associate. Based on these allegations, the complainant lodged F.I.R. bearing No.278/2024 dated 15.09.2024 at Police Station City Kotwali, Akola, for offences of extortion and criminal intimidation.

4. The learned Advocate for the applicant brought to the notice of this court that the news article had already been published in the newspaper “*Vidrohi Maratha*” on 23.08.2024, i.e., before the alleged phone call. It is contended that once the article was already published, there could be no question of extortion by threatening defamation. Hence, the essential ingredients of extortion are not made out.

5. The applicant further stated that on 05.09.2024, he was present before this High Court and has placed on record proof of the same, i.e., an extract of the entry register.

6. The learned Advocate for the applicant relied upon the judgments in *Hemant Dhirajlal Bankar vs. State of Maharashtra*, 2023 SCC OnLine Bom 1239; *Kaushal Govindbhai Barot vs. State of Gujarat*, 2023 SCC OnLine Guj 764; and *Sanjay Pandey vs. Chaganlal J. Jain*, 2001 (4) Mh.L.J. 507, and prayed for allowing the application.

7. The learned A.P.P. opposed the application, submitting that there is a statement of a witness who was present with the non-applicant No.2 when he received the phone call from the applicant demanding money. On perusal of the F.I.R., it appears that the applicant demanded Rs.30,000/- over the phone by threatening to defame the non-applicant No.2 by publishing an article. On this basis, it is stated that the allegations *prima facie* disclose the offences of extortion and criminal intimidation, and therefore, the application is prayed to be rejected.

8. It appears from the record that the article had already been published.

9. As per the judgment in ***Hemant Dhirajlal Bankar (supra)***, the essential ingredients for the offence punishable under Section 383 of the I.P.C. (extortion) are:

- i) Intentionally putting any person in fear of injury to that person or any other person;
- ii) Dishonestly inducing the person to put in fear;
- iii) Delivery of any property or valuable security by the person so put in fear, pursuant to such fear and under dishonest inducement.

As per allegations no offence is made out against the applicant, the ingredients are not fulfilled, the threat of defamation cannot be considered as the article was already published.

10. As held in ***Dhananjay alias Dhananjay Kumar Singh vs. State of Bihar [2007 (14) SCC 768]***, that in the absence of fulfillment of the above ingredients (i.e., intentionally putting a person in fear of injury, thereby dishonestly inducing them to deliver any property or valuable security pursuant to such fear), the offence of extortion is not

complete. In the present case, there is neither handing over of any property, nor are there direct threats to cause injury to the non-applicant No.2. Though allegations of defamation are made, the article had already been published.

11. Considering the allegations and as the ingredients of the offence under Section 383 of the I.P.C. are not made out, a case is made out to quash the F.I.R., charge-sheet, and R.C.C. No.1714/2025 arising out of Crime No.0278/2024 for the offences punishable under Sections 308(2), 351(4), and 356(3) of the B.N.S., subject to the applicant depositing costs of Rs. 20,000/- with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur, bearing Account No.129712010001014 and IFSC Code UBIN0812978, and producing the receipt on record within two weeks.

12. The application is allowed in the above terms and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)