



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

CRIMINAL WRIT PETITION NO. 309 OF 2026

Sarita D/o Pandharinath Gajbhiye

Vs.

Purwa D/o. Pradeep Ghate

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Rani G. Nitnaware, Advocate for the petitioner.

CORAM : M.M. NERLIKAR, J.

DATE : 24.04.2026

Heard learned counsel for the petitioner.

2. By this writ petition the petitioner has challenged the order dated 22.12.2022 passed by Judicial Magistrate First Class Court No.9, Nagpur in RCC No.2946/2019 and order dated 11.03.2025 in Criminal Revision No.109/2023 passed by Additional Sessions Judge, Nagpur.

3. Learned counsel for the petitioner submits that respondent herein lodged First Information Report against the present petitioner i.e. crime No.481/2013 for the offence punishable under Section 406 of the Indian Penal Code (for short, 'IPC'). The said trial culminated

into acquittal of the petitioner on 12.04.2019. Accordingly, the petitioner filed private complaint alleging defamation against the present respondent. The Judicial Magistrate First Class Court No.9, Nagpur was pleased to proceed with the complaint and directed to submit the report of inquiry under Section 202 of the Cr.P.C. However, on 22.12.2022 the complaint was dismissed vide Section 203 of the Cr.P.C. observing that the petitioner was acquitted by giving benefit of doubt and further exception eighth to Section 499 of the IPC is attracted that the accused has lodged First Information Report in good faith. It is further observed that for one or another reason the prosecution was not able to prove the charge and therefore, the learned Magistrate found that there is no material to proceed further against the accused and accordingly, the complaint was dismissed.

4. Revision was preferred against the said order which came to be dismissed by the Revisional Court. It was held by the trial Court that complaint is barred by limitation as in paragraph 9 of the complaint the complainant/petitioner has specifically alleged that cause of action arose on 08.12.2013 and 11.12.2013. However, the complaint was filed in the year 2019. For the offence under Section 500 of the IPC simple imprisonment for a term which may extend to two years, or with fine, or with both is provided and therefore, as per section 468 of the Cr.P.C., no Court shall take cognizance of an offence after the expiry of three years. Therefore, the Court held

that the complaint is hopelessly barred by limitation as provided under Section 468 of Cr.P.C. Therefore, Revisional Court upheld the order of learned Judicial Magistrate First Class Court No.9, Nagpur. Against both these orders present writ petition is filed.

5. I have heard learned counsel for the petitioner.

6. The learned counsel for the petitioner submits that it is not in dispute that First Information Report was filed by the petitioner in the year 2013. She further submits that the petitioner was prosecuted by the respondent alleging that the petitioner/complainant has stolen the gold ornaments of the respondent. Therefore, according to learned counsel for the petitioner the acquittal itself demonstrates that the petitioner is not involved in the crime, however, her reputation has been damaged in the society and therefore, the complaint was filed. She further submits that a news article was also published in the daily news paper due to which she was defamed.

7. I have considered the submission of learned counsel for the petitioner. It is not in dispute that crime No.481/2013 was registered by the respondent herein against the present petitioner. It is also not in dispute that the petitioner was acquitted by the trial Court giving benefit of doubt to the petitioner. It is also not in dispute

that the petitioner thereafter filed a private complaint for the offence punishable under Sections 500 of the IPC.

8. After going through both the impugned orders, it appears that merely because the petitioner was acquitted by giving benefit of doubt it will not give rise to filing of the private complaint unless ingredients of Section 499 of the IPC are satisfied. In the present case, Section 499 of the IPC is not attracted in view of eighth exception to Section 499 of the IPC. Therefore, I do not see any error, infirmity or perversity in the impugned orders. It is further to be noted that the Revisional Court has observed that the cause of action arose on 08.12.2013 and 11.12.2013. Therefore, the complaint filed in the year 2019 is hopelessly time barred. When the cause of action arose in the year 2013 itself according to the averment in the complaint in paragraph No.9, therefore, Revisional Court was right in observing that the complaint is hopelessly, time barred.

9. Under such circumstances, I do not find any merit in the petition and same is dismissed.

(M.M. NERLIKAR, J.)