

IN THE COURT OF SH. JITENDRA SINGH,
SPECIAL JUDGE (PC ACT) (CBI)-23,
(MPs/ MLAs CASES),
ROUSE AVENUE COURT COMPLEX: NEW DELHI.

Criminal Revision Petition No. 02/2026
CNR No. DLCT11-000041-2026

In the matter of :-

Karnail Singh, MLA
Shakur Basti Constituency
R/o; C-137, 1st Floor,
New Multan Nagar
Paschim Vihar, Delhi-110056.

..... Revisionist

Versus

Satyender Kumar Jain
S/o Late Sh. Ram Sharan Jain
R/o; E-1032, Saraswati Vihar,
New Delhi-110034.

.....Respondent

(i)	Date of institution of Revision Petition	:	14.01.2026
(ii)	Date on which order was reserved	:	04.04.2026
(iii)	Date of pronouncement of order	:	30.04.2026

ORDER

1. The present revision petition under Sections 438 and 440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**hereinafter referred to as “BNSS”**) has been filed by Sh. Karnail Singh (**hereinafter referred to as “revisionist”**), against Sh. Satyender Kumar Jain (**hereinafter referred to as “complainant”**) assailing the order dated 06.01.2026 (**hereinafter referred to as “impugned order”**) passed by the Ld. Additional Chief Metropolitan Magistrate-01 (**hereinafter referred to as “Trial Court”**) in Complaint Case No. 06/2025, titled “Satyender Kumar Jain Vs. Karnail Singh”; whereby the Trial Court has taken cognizance and summoned the revisionist for the offence under Section 356 of the Bharatiya Nyaya Sanhita, 2023 (**hereinafter referred to as “BNS”**).

Allegations as contained in Complaint case no. 6/2025:

2. The complainant is stated to be a public figure, having served as a Member of the Legislative Assembly on more than one occasion and having held various ministerial portfolios in the Government of NCT of Delhi, including Health and Family Welfare, Industries, Home, Water, Urban Development and irrigation & Food Control. It is averred that he has been in public service for several years and has earned a reputation as a public representative. It is further stated that during his tenure, steps were taken towards expansion of health infrastructure and establishment of neighbourhood clinics, and that his role during the Covid-19 period is also relied upon to indicate his public standing.

3. On the basis, the complainant claims to have built a reputation in public life, which according to him, stands affected by the statements in question. The complaint has been filed under Section 210(1) and Section 223 of the BNSS, read with Section 356 of the BNS, alleging that the revisionist made false and defamatory statements.

4. It is alleged that the statements were made by the revisionist during an interview dated 19.01.2025, which was broadcast on a news channel Times now Navbharat. The said interview was uploaded on the YouTube platform at the link <https://www.youtube.com/watch?v=vc-gmm5QyeM>. Thereafter circulated across various media platforms, thereby reaching a wide audience, with the object of deriving political advantage. The complainant has relied upon the transcript of the statements attributed to the revisionist. The relevant portion, as reproduced in the complaint, is as follows:

a “ED recovered 37 Kg of gold from his house, he has 1100 Acre in lands in his name.”

b “He made his own wealth from the this corruption, from the money which was supposed to be spent on the people.”

c “He indulged in huge corruption and money laundering, huge gold has been recovered form his house”

d. “He is a bhoo Mafia and will be sent to jail again”.

5. It is further alleged that the revisionist described the complainant as “corrupt” and “fraud” and made other imputations affecting his public image. According to the complainant, the statements are false and without any factual basis, and were made with

the intention of harming his reputation. It is also stated that no recovery of gold or other incriminating material, as alleged, has been effected by any investigating agency, including the Enforcement Directorate, and that no such assertion finds place in any official record.

6. It is alleged that the statements were widely circulated through electronic and digital media, thereby affecting the complainant's standing in the eyes of the public. It is further stated that, after the circulation of the interview, persons from his constituency questioned him regarding the allegations, which, according to him, reflects the impact of the publication. On these averments, it is alleged that the conduct attributed to the revisionist constitutes an offence under Section 356 of the BNS.

Proceedings before the Trial Court:

7. A perusal of the Trial Court record shows that the complaint was instituted by the complainant and was first taken up on 06.02.2025. In terms of the first proviso to Section 223 of BNSS, notice was issued to the revisionist on 19.02.2025, affording him an opportunity of being heard at the stage prior to cognizance.

8. At the stage of pre-summoning evidence, the complainant examined himself as CW-1 and exhibited the transcript of the impugned interview as Ex. CW1/1, the complaint seeking tender of apology as Ex. CW1/2, and the *Panchnama* prepared by the Directorate of Enforcement as Ex. CW1/3. The complainant further examined Bhanu Gulati as CW-2 and the Special Correspondent

Ravikant Rai who conducted the interview as CW-3, who brought on record the downloaded video recording in a pen drive, exhibited as Ex. CW3/A.

9. Upon consideration of the material placed on record, and after hearing the complainant and affording an opportunity of pre-cognizance and issued process against the revisionist vide the impugned order.

Grounds for Revision:

10. *Firstly*, the impugned order cannot be sustained as it proceeds without examining whether the material on record satisfies the essential ingredients of an offence under Section 356 BNS, particularly in the light of Exceptions 1, 2, 3 and 9 thereto. There is no finding as to publication in the manner required in law, nor is any definite imputation identified. The question of applicability of the statutory exceptions has been deferred to trial, though the same arises from the record itself and required consideration at the threshold.

11. *Secondly*, the material before the Trial Court indicates that the statements attributed to the Revisionist were based on information already in circulation, including official disclosures and media reports. In such a situation, the element of deliberate intent is not borne out, particularly when the statement forms part of a discussion on matters of public concern.

12. *Thirdly*, during the course of the interaction, the Revisionist himself asked the interviewer to verify the facts, which detracts from any inference of intention to mislead or to make a false

imputation.

13. *Fourthly*, the surrounding circumstances have not been adequately considered. The interaction took place during an election period, in the course of public campaigning, and appears to have been a spontaneous response to a query, rather than a premeditated statement. Such circumstances required a contextual assessment, which is absent.

14. *Fifthly*, the complainant is a public servant and was already facing allegations in the public domain. The statements in question were required to be examined in that background while assessing whether they fall within the permissible limits of comment on public conduct.

15. *Lastly*, the complaint itself rests on a weak evidentiary foundation. No independent public witness has been examined and a material witness, namely Bhuvan Juneja, has not been examined. These aspects, which go to the root of the matter, have not been addressed in the impugned order, which reflects lack of proper consideration of the material on record and warrants interference in revisional jurisdiction.

Submissions on behalf of Ld. Counsel for the Revisionist:

16. At the outset, it is submitted that the alleged defamatory statements in question are covered under Exceptions 1, 2, 3 and 9 to Section 356 of the BNS. It is contended that the impugned order does not deal with this aspect and has merely observed that the applicability of the exceptions can be considered at the stage of trial.

It is further submitted that the impugned order dated 06.01.2026 does not satisfy the essential ingredients of Section 356 of the BNS. The alleged statement has neither been shown to be "published" in the manner required in law, nor has any imputation been properly established. The element of mens rea has also not been considered, particularly when the allegation arises out of a single interaction.

17. It is further submitted that the interview was based on information already available in the public domain, including material accessible on the internet, and the statements were made in good faith and in the interest of the public, without any ill-will towards the complainant. The statements were made while addressing issues relating to governance and public functioning, which fall within the scope of legitimate public discussion, especially where the subject is a public figure. It is also pointed out that during the interview, the Revisionist himself asked the interviewer to verify the facts, thereby indicating that the statements were not made with any intention to mislead.

18. Further reliance is placed on material such as a tweet dated 06.06.2022 issued by the Directorate of Enforcement regarding raid and seizure, as well as news reports and press releases. It is submitted that these matters were already in circulation. It is also argued that the complainant, being a public servant, is subject to public scrutiny, and comments regarding his functioning fall within permissible limits. It is further submitted that the circumstances in which the statements were made are relevant. The interaction took place during an ongoing election campaign. The election schedule had

been notified on 10.01.2025 and the last date for filing nominations was 17.01.2025. The interaction dated 19.01.2025 took place when the Revisionist was engaged in roadside canvassing. It was a spontaneous exchange in response to questions put by the reporter, and not a pre-planned or scripted statement.

19. It is also submitted that the complainant was already facing allegations which were in the public domain, and the statements must be viewed in that background. The impugned order is also silent on the non-examination of material witnesses. No independent public witness has been examined, and even a material witness, namely Bhuvan Juneja, has not been examined before the Court. On these grounds, it is prayed that the impugned order be set aside.

Submissions on behalf of Ld. Counsel for the Complainant:

20. At the outset, it is submitted that the impugned order is a reasoned order passed after proper consideration of the complaint, the material on record and the pre-summoning evidence. The contention of the Revisionist that the order is mechanical or lacks reasoning is misplaced and based on an incorrect understanding of the stage at which cognizance is taken. The order clearly reflects that the Court has applied its mind. It is further submitted that at the stage of summoning, the Magistrate is not required to write a detailed judgment. It is sufficient if the Court forms an opinion that there are grounds to proceed.

21. It is also submitted that once the Magistrate has exercised

discretion on the basis of the material before it, the revisional court should not interfere merely because another view is possible. At the stage of summoning, the accused does not have a right to produce material in defence, and the Court is only required to see whether the complaint discloses an offence. There is no question of violation of natural justice at this stage.

22. Ld. Counsel submits that a plain reading of the impugned order shows that the Trial Court has acted carefully and not in a routine manner. The Trial Court has taken note of the specific statements attributed to the Revisionist, the manner in which they were published, and the material placed on record, and has then formed a prima facie view that an offence is made out. The order shows that the Court has identified the statements complained of, considered their publication, and their potential to harm the complainant's reputation. These are the only aspects required to be seen at this stage, and they have been duly considered.

23. It is further submitted that the Trial Court was not required to examine the defence of the Revisionist or consider any exception at this stage. These are matters which can only be decided after evidence is led during trial. The attempt of the Revisionist to analyse the order in detail and seek a fresh assessment is not permissible in revision.

24. As regards the defence taken by the Revisionist, it is submitted that merely stating that the information was in the public domain does not justify making defamatory statements. The fact that something is reported or discussed publicly does not give a licence to

distort or exaggerate it. Even repeating a defamatory statement can give rise to liability. Public domain material cannot be used to justify false or misleading claims.

25. It is further submitted that "public domain" is not a recognised defence in law. The only relevant considerations are truth, good faith and public interest, which can be examined only during trial. Even if some material existed, the Revisionist has gone much beyond it and made exaggerated and unfounded allegations which are not supported by any official record. Such statements cannot be treated as mere repetition and amount to clear imputation affecting the reputation of the complainant. It is, therefore, prayed that the present revision, petition be dismissed as being without merit.

Alleged Defamatory Statements:

26. This Court has considered the grievance raised by the complainant (CW-1), which arises out of an interview dated 18.01.2025 allegedly given by the revisionist to one Ravi Kant Rai (CW-3), a reporter associated with the news channel Times now Navbharat. The said interview was uploaded on the YouTube platform at the link <https://www.youtube.com/watch?v=vc-gmm5QyeM>. The downloaded video recording has been placed on record as Ex. CW-3/A, while the transcript thereof has been exhibited as Ex. CW-1/1.

27. For proper appreciation, the relevant portion of the transcript, as relied upon by the complainant, is reproduced

hereinbelow for ready reference:-

"Reporter: नमस्कार मैं हूँ रविकांत राय और रिपोर्टर वेर्सुस रिपोर्टर में आज हम आ पहुंचे हैं एक हाई प्रोफाइल विधानसभा सीट जिसका नाम है शकूर बस्ती और यह सीट चर्चा में इसलिए है क्योंकि यहां से सतेंद्र जैन को एक बार फिर आम आदमी पार्टी ने उम्मीदार बनाया है और उन पर बहुत सारे गंभीर आरोप लगे उनको जेल भी जाना पड़ा और भारतीय जनता पार्टी की तरफ से यह देखिए बीजेपी के जो उम्मीदार हैं करनैल सिंह जी इनका कार्यालय है और इस वक्त वो कार्यकर्ताओं से बातचीत भी कर रहे हैं और सीधे उनसे हम बातचीत करते हैं करनैल सिंह सबसे पहले आपका स्वागत है टाइम्स नाउ निभारत पर आप देखिए सुबह-सुबह का वक्त है कैंपेनिंग चल रही है पूरे दिन के प्रोग्राम तय किये जा रहे हैं के किस किस तरह प्रचार होगा आप पर बीजेपी ने भरोसा जताया आम आदमी पार्टी ने एक बार फिर सतेंद्र जैन पर भरोसा जताया है क्या बता रहे हैं यहां की विधानसभा जनता को और कैसा कैंपेन चल रहा है आपका ?

Karnail Singh: आपको भी जय श्री राम और आपके दर्शकों को भी जय श्री राम लोगो के अंदर बहुत उत्साह है बढ़िया कैंपेनिंग चल रही है जय श्री राम का आशिष्ट है और वदल्ली में डबल डू जन की सरकार बनानी है सनातन की सरकार

Reporter करनैल जी जो आपके विरोध में उम्मीदार हैं आम आदमी पार्टी के उन पर बहुत सारे गंभीर आरोप लगे और जहां तक हमारी जानकारी है उन पर ईडी के केसेस चल रहे हैं अभी भी जमानत पर बाहर है जेल जाना पड़ा तो यह भी एक मुद्दा है बना रहे हैं?

Karnail Singh: भली भांति वो परिचित हो गई पहले आप बनाने की आवश्यकता नहीं है जनता पहचान चुकी है उनकी मानवसकता और उनके विचारों से भली भली भांति वो परिचित हो गई पहले नए लोग आए थे लोगों भोली भाली जनता को बिकूफ बनाया इतना बड़ा भ्रष्टाचार मनी लाँडरिंग इतना बड़ा जो तीन साल जेल में रहा आज वो जनता को कहने कहता था के भाई मुझे काम नहीं करने दिया गया मैं 3 साल जेल में रहा और इतना बड़ा भ्रष्टाचार उसके घर से ईडी ने 37 किलो सोना निकला 1100 एकड़ जमीन उसके नाम है ईडी के पास आप

पत्रकार हो आप देख लीजिये खुद तो इतना बड़ा भ्रष्टाचार का पैसा मनी लॉन्डरिंग करके जो पैसा सड़कों पर लगना चाहिए था उस उसने अपनी जमा पूंजी उसको बनाया उसकी वजह से आज जनता तही तराई में है और अपना पूरा मूड बना चुकी है की सनातन की सरकार शकुर बस्ती विधानसभा में भी होगी और पूरी दिल्ली के अंदर भी शकुर बस्ती से हटके पूरी दिल्ली के अंदर भी सनातन की सरकार होगी डबल इंजन की सरकार दिल्ली में भी भारतीय जनता पार्टी की सरकार और केंद्र में भी भारतीय जनता पार्टी की सरकार जिससे पूरे दिल्ली का विकास हो सकेगा

Reporter: करनैल जी एक सवाल आप से अरविन्द केजरीवाल कह रहे हैं की हम तो बहुत ही ईमानदार व्यक्ति हैं इन लोगो ने मुझे फसाया जेल में डाला ?

Karnail Singh: तो ये कौन सी ईमानदारी है के जिस व्यक्ति के ऊपर इतने गभीर आरोप लगे उसको ही यहां से उमीदवार बना दिया कोई राज है क्या मुझे लगता है लगता नहीं मुझे सूत्रो से पता चला है की अरविन्द केजरीवाल की मजबूरी है सतेंद्र जैन को यहां से टिकट देना और उमीदवार बनाना सतेंद्र जैन अरविन्द केजरीवाल के बहत राज जानता है और उसके दबाव में आकर के उसने इसको यहाँ से कैंडिडेट बनाया है उसने बताया अगर मुझे कैंडिडेट नहीं बनाया तो मैं तेरी सारी पोल खोल दूंगा इसलिए उससे घबरा के उसको भी पता की जो व्यक्ति 2 साल जेल में रहा मनी लॉन्डरिंग में जिसमे जेल रहा ईडी ने उसके घर से छापे मार के सोना निकला व मान सकता हूं की व बोलते हमारे कागज गलत बना दिए यह कर दिया वो लेकिन जो सोना प्रत्यक्ष रूप से जनता के सामने सब अखबारों में आपके नव भारत टाइम्स में भी छपा था फोटो छपी थी सोने की टिक छपी थी देखिए दिल्ली का वातावरण मुझे भी खासी आ गई दिल्ली का पर्यावरण वो तो पैसा कमा कर के ठीक हो गया जनता को बीमार कर इतना पर्यावरण खराम हो गया यानि आप ये कह रहे हैं की अरविन्द केजरीवाल को ब्लैकमेल कर रहे हैं अब नहीं सहेंगे पूरा ब्लैकमेल करके उसने ये कहा के मैं तीन साल अब जनता में बोल रहा है मैं जेल में सहना की वजह से काम नहीं कर पाया मैं इस जनता को और जनार्दन समझ चुकी है की वो २ साल जब जेल में रहा अब भी जमानत पे है अब भी वो जमानत में बहुत जल्दी दोबारा जेल जाने वाला है नो जनता तो फिर विधायक बिना के रह

जायेंगे अगर वह जेल चला जायेगा तो काम कौन करेगा अब तो उसके पास वो बोल रहा है मुझे जेल में रखा इसलिए काम नहीं किया और आगे भी वह जेल ही जाने वाला है तो फिर दिल्ली बर्बाद हो जाएगी तो जनता को ये समझना होगा दिल्ली को भ्रष्टाचार मुक्त करना होता ऐसे भ्रष्टाचारियों से बच के रहना होता और तभी यह संभव हो पायेगा जब दिल्ली में नरेंद्र मोदी जी के नेतृत्व में सरकार बनेगी दिल्ली का विकास होगा आप देख सकते हैं सड़के किस तरह से टूटी हैं नालियां सीवरेज बर्बाद हो चुके हैं बिल्कुल पूरी राजधानी को इन लोगो ने बर्बाद कर दिया है ये यहाँ कैंडिडेट नहीं हैं भू माफिया

Reporter: एक आखरी सवाल कल राहुल गाँधी भी चुनाव मैदान में उतर गए उन्होंने कहा की यह भाजपा वाले और अरविन्द केजरीवाल दोनों मिले हुए दोनों भ्रष्टाचार खत्म नहीं कर सकते कांग्रेस कही है आपकी विधानसभा में या सिर्फ वोट काटने के लिए खदी है?

Karnail Singh: ऐसा नहीं है उनका प्रचार करने का अपना तरीका है उनकी बांटों पर लोग यकीन नहीं करते हैं अभी लोकसभा में पीछे उन दोनों ने मिलकर एक इलेक्शन लड़ा तब तो वह भाई कह रहे थे अपने आप को आज वह यह बोल रहे हैं एक दुस्तरे पर प्रत्यारोप कर रहे हैं आज हम और आप कैसे इखट्टे हो सकते हैं आपदा आप नहीं हैं वो अब वो आपदा को गई है पार्टी और भारतीय जनता पार्टी एक कैसे ही सकती है केवल कल तो वो कांग्रेस के साथ खड़े थे और असलियत तो यह है कांग्रेस के कैंडिडेट उनके साथ कही बाइक हुए हैं और उनके साथ मिल के इलेक्शन लड़ रहे हैं

Reporter: तो चलिए करनैल सिंह जी सुबह सुबह का वक्त है कम्पेन के लिए निकल रहे हैं और यहाँ से आम आदमी पार्टी ने अपने सतेंद्र जैन को उतरा है और उनको इस बार सीधे चुनौती "

28. On the basis of the aforesaid material, it is the case of the complainant that the revisionist, through the said interview, levelled allegations which are stated to be baseless and false, with the intent to defame and lower the reputation of the complainant, thereby attracting

the ingredients of the offence of criminal defamation.

29. The Ld. Counsel for the complainant has, in particular, invited attention to the following portions of the interview, contending that the same are per se false and defamatory:

"इतना बड़ा भ्रष्टाचार उसके घर से ईडी ने 37 किलो सोना निकला 1100 एकड़ जमीन उसके नाम है ईडी के पास आप पत्रकार हो आप देख लीजिये खुद तो इतना बड़ा भ्रष्टाचार का पैसा मनी लॉन्ड्रिंग करके जो पैसा सड़कों पर लगना चाहिए था उस उसने अपनी जमा पूंजी....

....पूरी राजधानी को इन लोगों ने बर्बाद कर दिया है ये यहां कैंडिडेट नहीं है भू माफिया..!

...जो व्यक्ति 2 साल जेल में रहा मनी लॉन्ड्रिंग में जिसमें जेल रहा ईडी ने उसके घर से छापे मार के सोना निकला व मान सकता है की व बोलते हमारे कागज गलत बना दिए यह कर दिया वो लेकिन जो सोना प्रत्यक्ष रूप से जनता के सामने सब अखबारों में आपके नव भारत टाइम्स में भी छपा था फोटो छपी थी सोने की टिक छपी..."

Analysis:

30. The introduction of a pre-cognizance notice and an opportunity of hearing before summoning reflects a conscious shift in criminal procedure. The intent is not merely procedural; it is to ensure that a proposed accused is not drawn into criminal proceedings without being afforded a basic opportunity to explain the circumstances appearing against him. The act of summoning has serious personal consequences, affecting both liberty and reputation, and therefore calls for due caution at the threshold.

31. At the stage of summoning of the accused, the Court is

not required to assess whether a prima facie case is made out, as is required at the stage of framing of charge. The scrutiny at this stage is of a lesser degree, confined to a limited examination of the material on record, and the Court is only required to see whether sufficient grounds exist to proceed against the accused.

(emphasis supplied)

32. The issue that arises is the extent to which the Court may consider the defence put forth by the proposed accused at this stage. The opportunity so granted is not intended to convert the pre-summoning stage into a trial, nor does it permit a detailed evaluation of defence evidence. The Court is required to confine itself to the material placed by the complainant and the limited inquiry contemplated at this stage. At the same time, to altogether exclude the defence from consideration would render the opportunity of hearing meaningless.

33. A balanced approach is therefore required. Where the defence is not extraneous or speculative, but arises from the ingredients of the offence itself, particularly where it is founded on statutory exceptions, the Court may, at a prima facie level, take note of it. This does not involve testing the defence through evidence; it only requires the Court to see whether, on the complainant's own material, such a defence reasonably emerges. If the material, as it stands, discloses circumstances bringing the case within a recognised exception, there is no reason to defer such consideration.

(emphasis supplied)

34. This assumes importance in the context of Section 356 of

the BNS. The provision defines defamation as the making or publication of an imputation with the intention, knowledge, or reason to believe that it will harm the reputation of another. However, the provision itself incorporates exceptions which limit the scope of the offence. The First Exception protects a statement which is true and made for the public good. The Second and Third Exceptions recognise that the conduct of public servants and persons dealing with public questions is open to comment, provided such opinion is expressed in good faith and confined to their public conduct. The Ninth Exception protects statements made in good faith for the protection of one's own interest, the interest of another, or for or the public good.

35. Thus, the offence cannot be read in isolation from these exceptions. They are part of the statutory scheme and define the permissible limits of speech. If, from the complaint and the statements of witnesses, the alleged imputation appears to fall within one of these categories, that circumstance is relevant while forming an opinion on whether sufficient grounds exist to proceed.

36. At the same time, the scrutiny at this stage must remain limited. The Court is not required to enter into disputed questions of fact or assess the truthfulness of competing claims. The exercise is only to examine whether, even if the allegations are accepted as they stand, the material indicates that the act complained of may fall within a recognised exception. This ensures that the hearing afforded to the proposed accused is meaningful, without converting the process into a trial.

37. In the present case, the impugned order records that the

proposed accused had specifically invoked Exceptions 1, 2, 3 and 9 to Section 356 of the BNS. The Ld. Trial Court has observed that the mental element of the accused cannot be determined at this stage. To that extent, the observation cannot be faulted, as questions of good faith or intention may require evidence. However, that does not justify a complete exclusion of the exceptions from consideration.

38. The Ld. Trial Court was required to examine whether, on the material placed by the complainant itself, the alleged statements could be said to fall, even prima facie, within the scope of the exceptions invoked. A mere observation that such issues can be considered only at trial does not meet the requirement of judicial scrutiny, particularly when the proposed accused has been granted an opportunity of hearing.

39. In matters of defamation, this exercise assumes added significance, as the offence lies at the intersection of the right to reputation and the freedom of speech. Where the statement concerns the conduct of a public servant or a matter of public concern, a degree of caution is required before issuing process. Public acts are open to comment and criticism, and the Court must examine whether the complaint discloses material sufficient to rule out, even prima facie, the protection of the statutory exceptions.

40. The proper course would have been to consider the statements in their entirety, the context in which they were made, the status of the complainant, and the nature of the issue involved, along with the exceptions pleaded. If, on such limited scrutiny, the statements appeared to be defamatory and not even prima facie

protected, process could have been issued. Conversely, if the alleged defamatory statements fall within any of the exceptions provided under Section 356 of the BNS on the basis of the pre-summoning evidence, the Ld. Trial Court would be justified in declining to proceed further.

Conclusion:

41. The view taken by the Ld. Trial Court that the applicability of statutory exceptions can be examined only at the stage of trial is not in accordance with law. The issue raised by the revisionist goes to the root of the matter and directly affects the legality of the order issuing process. The Ld. Trial Court was required to undertake a limited examination of the alleged statements, the material on record, and the exceptions pleaded, to determine whether sufficient grounds exist to proceed.

42. Accordingly, **the impugned order is set aside**. The matter is remanded to the Ld. Trial Court to consider the applicability of the exceptions to the alleged statements, in the light of the observations made herein, and to pass a fresh order in accordance with law.

43. This Court has consciously refrained from examining the other grounds on merits. The impugned order is deficient inasmuch as no finding has been returned on the exceptions specifically raised by the revisionist. It is for the Ld. Trial Court to consider, at the threshold, whether the material on record, read in the light of the exceptions invoked, discloses sufficient grounds to proceed.

44. **It is clarified that this Court has not expressed any**

opinion on the merits of the exceptions. Nothing stated herein shall be construed as an expression on their applicability.

45. A copy of this order, along with the Trial Court Record, be sent to the Ld. Trial Court.

46. Let a copy of this order be given *dasti* to both the parties.

47. **Revision file be consigned to the Record Room.**

**Announced in the open Court
on 30.04.2026.**

**(Jitendra Singh)
Special Judge (PC Act) CBI-23
(MPs/MLAs Cases)
Rouse Avenue Court Complex,
New Delhi; 30.04.2026**