

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE – II
PERINTHALMANNA**

Present: Sri.Ashique Shajahan, Judicial First Class Magistrate

Dated this the 30th day of April 2026 / 10th Vaisakha, 1947

Case No. CC 251/2019

Complainant	K.P.Haneefa, aged 49 years, S/o Abu Haji, Kundott Parakkal House, Karyavattam, Mannarmala Post, Pattikkad Via, Pin:679325, Karyavattam Village, Perinthalmanna Taluk, Malappuram District. (Represented by Adv. Sri. K.T.Umar and M.K.Sunil)
Accused	1. Gopalakrishnan, S/o Karuppan, Mundemadathil House, Near Chithralaya Theator, Angadippuram Post, Perinthalmanna, Malappuram. 2. Pathath Abdu, Pathath House, Pariyapuram Post, Angadippuram Via, Angadippuram Amsom Desom, Perinthalmanna Taluk. 3. V.T.Abdul Gafoor, S/o Muhammad, V.T. House, Valamboor, Thiroorkkad Post, Valamboor Village, Perinthalmanna Taluk. 4. N.P.Chekkutty, Editor Thejas Daily, Thejas Publishing Charitable Trust, Nallalam Post, Kozhikkode. (Represented by Adv. Sri. N.P.Saleena)
Offence	U/ss.499 and 500 read with 34 of the IPC.
Plea	Not guilty
Finding	Accused No.2 is not guilty.
Sentence or order	Accused No.2 is acquitted under section 271 (1) of the BNSS of the offences punishable under section 500 read with 34 of the IPC. Case against accused Nos.1, 3 and 4 is split up and refiled as CC753/2019.

DATE OF		
1	Occurrence	18.05.2014
2	Complaint	28.06.2014
3	Filing	28.06.2014
4	Apprehension of accused	03.02.2020
5	Release on bail	03.02.2020
6	Commencement of trial	05.04.2025 (A2)
7	Close of trial	25.04.2026
8	Sentence or order	30.04.2026

This case, coming on the 25th day of April 2025, for final hearing before me in the presence of **Sri. K.T.Umar and Sri.M.K.Sunil**, Advocates for the complainant and **Smt.N.P.Saleena** Advocate for the accused and having stood over to this day for consideration, the court delivered the following:

JUDGMENT

This case arises from the order passed in CMP 3279/2014, filed under Section 190(1)(a) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.PC'), in relation to an offence punishable under Sections 499 and 500 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').

2. The complainant's case, in brief, is as follows: The complainant is a businessman. He is a person who rose from humble beginnings through

hard work and is now highly respected in society. He maintains excellent relationships with people from all walks of life. In the regions of Karyavattom and Perinthalmanna, he is a well-known figure. He is actively involved in social service and holds positions such as the General Secretary of the Perinthalmanna Bus Owners' Association and is a member of his local Mosque and Madrasa committees. He owns several establishments in Perinthalmanna. The complainant is a devout Muslim who sincerely believes that "taking or giving interest is Haraam (prohibited)." His family and friends are also firm believers in these religious tenets. On May 18, 2014, the 5th accused published a news report in "Thejas Daily" under the headline: "വാങ്ങിയ പണത്തിന്റെ മൂന്നിരട്ടി നൽകിയിട്ടും ബ്ലോക്ക് മാഫിയ ഭീഷണിപ്പെടുത്തുന്നതായിപരാതി". The report falsely alleged that the complainant, along with others, namely Benny Thomas, Aneesh, and Sethumadhavan, was part of a "blade mafia" that was threatening a person named Gopalakrishnan. It claimed that even after Gopalakrishnan paid back significantly more than the borrowed amount, the complainant's group continued to harass him and had forcibly taken over his house. These allegations are entirely false and were published with the malicious intent of defaming the complainant. Because the complainant is a religious person who publicly opposes interest-based lending, this news report has caused social damage, mental agony, and reputational loss. The complainant issued a lawyer's notice on May 23, 2014, demanding a correction and compensation of ₹5,00,000/-. While another newspaper (Madhyamam Daily) published a clarification that satisfied the complainant, the accused

either failed to respond appropriately or sent replies containing further false claims. The accused has committed an offence punishable under Section 499 and 500, read with Section 34 of the IPC. Hence the complaint.

3. Upon receipt of the complaint, the sworn statements of the complainant and the witnesses were recorded. Finding prima facie materials to proceed against the accused, cognisance was taken for the offence punishable under Section 500 read with Section 34 of the IPC, and the case was taken on file as C.C. No. 251/2019. Thereafter, summons were issued to accused Nos. 1 to 4, of whom accused Nos. 2 and 3 appeared and were released on bail. As accused Nos. 1 and 4 were reported to be abroad, and their presence could not be secured even after issuance of non-bailable warrants, they were declared absconding.

4. Upon the appearance of accused Nos. 2 and 3, copies of the records were furnished to them in compliance with Section 207 of the Cr.PC. The particulars of the offence punishable under Section 500 of the IPC were read over and explained to the accused, to which they pleaded not guilty and claimed to be tried.

5. Subsequently, accused No.3 reported no instructions, and despite taking coercive steps, his presence could not be secured. He was therefore also declared absconding.

6. Upon closure of the complainant's evidence, accused No.2 was examined under Section 351(1)(b) of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'). He denied all the incriminating circumstances put to him and asserted his innocence. Though he was

granted an opportunity to adduce defence evidence, he did not adduce any evidence, either oral or documentary.

7. Based on the materials available on record, the following points arise for consideration:

- i. Whether accused No.2, by words either spoken or intended to be read, made or published any imputation concerning the complainant, intending to harm, or knowing or having reason to believe that such imputation would harm the reputation of the complainant, and whether such imputation, directly or indirectly, lowers the moral or intellectual character of the complainant in the estimation of others, or lowers his character in respect of his caste or calling, or lowers his credit, or causes it to be believed that his body is in a loathsome state or in a state generally considered disgraceful?*
- ii. If so, whether such imputation falls within any of the exceptions under Section 499 of the IPC?*
- iii. If the accused is found guilty, what shall be the appropriate sentence?*

8. Both the learned counsels for the complainant and the accused No. 2 were heard.

9. **Point Nos. i to iii:** - The complaint has been filed alleging commission of an offence punishable under Section 500 of the IPC. The case of the complainant is that his reputation was defamed by the accused through the publication of a defamatory news report in Thejas Daily. In support of his case, the complainant examined PW1 to PW4 and marked Exts.P1 to P4.

10. The complainant was examined as PW1. He deposed that he is a businessman and a bus owner residing at Karyavattom. He further stated that he serves as the Madrassa Secretary of Karyavattom Mosque and had also worked as the Joint Secretary of the Bus Owners' Association of Perinthalmanna Taluk. According to him, he is a well-known person in the locality and is popularly known as "Karyavattom Haneefa." PW1 deposed that on 18.05.2014, a news report was published in Thejus Daily alleging that a "blade mafia" was threatening despite repeated borrowings, and that the said report was noticed by Advocate Benny Thomas, Chundayil Aneesh, and Sethumadhavan. He identified the said news item as Ext.P1. According to him, his name was mentioned in the report and the contents were false. He further stated that, being a follower of Islam, he does not engage in financial transactions involving interest, as it is prohibited by his religious beliefs. He deposed that the publication of the said news item lowered his reputation and caused him humiliation in public. He also stated that another newspaper, Madhyamam Daily, had published a similar report but later rectified it upon complaint. He identified Ext.P2 as the notice issued in this regard and Ext.P3 as the postal receipt. Ext.P4 was identified as the reply notice issued by accused No.3.

11. PW2, PW3, and PW4 were examined as supporting witnesses and are close acquaintances of PW1. PW2 deposed that PW1 is widely known as "Haneefa Karyavattom" and that both belong to the same locality. He stated that PW1 owned four buses and a textile shop, and that his buses were operated under the name "Karyavattom." PW2 further stated

that PW1 held positions in the mosque, Madrassa, and an English Medium School, and had also served as Secretary of the Perinthalmanna Taluk Bus Owners' Association. According to PW2, PW1 enjoyed a good reputation in the locality. He deposed that upon seeing Ext.P1 news item in Thejus Daily, several persons enquired whether PW1 was involved in a blade mafia, and that even he entertained doubts regarding such involvement. PW3 and PW4 deposed in line with the testimony of PW1 and PW2.

12. After recording the examination of accused No.2 under Section 313(1)(b) of the Cr.PC, he was given an opportunity to adduce defence evidence. However, accused No.2 did not adduce any defence evidence.

13. Based on the evidence on record, the learned counsel for the complainant contended that the complainant has successfully established his case. It was argued that PW1, widely known as "Karyavattom Haneefa," is a well-known person in the locality, engaged in various business activities and charitable works, and is closely associated with religious institutions as an office bearer of the Mosque and Madrassa committees. According to the learned counsel, Ext.P1 news item lowered the reputation of PW1 by creating an impression among the public that he was involved in financial transactions involving exorbitant interest. It was further submitted that though Madhyamam Daily had also published a similar news item, the same was rectified upon receipt of Ext.P2 lawyer's notice, whereas accused No.2, despite issuing a reply notice, failed to compensate the complainant. Hence, it was argued that the act of the

accused has resulted in defamation of PW1, and therefore, he is liable to be convicted.

14. Per contra, the learned counsel for accused No.2 vehemently disputed the complainant's case. It was contended that accused No.1 has no involvement in the alleged incident and that even the complainant has no case that accused No.1 conducted any press meet. It was further argued that accused No.2 has no connection whatsoever with Ext.P1 news report. The learned counsel also pointed out that no evidence has been adduced to establish that the complainant is widely known as "Karyavattom Haneefa." Though it was claimed that PW1 is engaged in several businesses and holds positions in social, religious, and charitable institutions, no documentary evidence has been produced in support of such claims. It was also submitted that, as per Ext.P1, the allegation is directed against one Aboobacker Sidheeque as a money lender and not against the complainant. On these grounds, it was argued that accused No.2, an aged person of 82 years, has been falsely implicated, and is entitled to acquittal.

15. The case of the complainant is that accused No.2, along with the other accused, defamed his reputation by publishing Ext.P1 news item. All accused, except accused No.2, absconded during the pendency of the case, and accused No.2 alone is facing trial in the present proceedings. Ext.P1 is the alleged defamatory news item published in Thejus Daily dated 18.05.2014 under the heading "വാങ്ങിയ പണത്തിന്റെ മൂന്നിരട്ടി നൽകിയിട്ടും ബ്ലോഡ് മാഫിയ ഭീഷണിപ്പെടുത്തുന്നതായി പരാതി". Mere marking of a newspaper report is not sufficient to prove its contents. The author or a

competent official of the newspaper must be examined to prove the same. In the present case, no official from the said newspaper has been examined to prove Ext.P1.

16. Even assuming that Ext.P1 is proved, the allegations contained therein are directed against one Mannarmala Chakkappath Aboobacker Sidheeque. The news item pertains to a complaint allegedly submitted by accused No.1 before the Home Minister, the Director General of Police, and the District Collector. There is no specific allegation in the said report that the present complainant was involved in any money-lending business charging exorbitant interest.

17. The only allegation against accused No.2 is that he, along with the other accused, conducted a press meet which allegedly led to the publication of Ext.P1. However, no evidence has been adduced to establish that accused No.2 conducted such a press meet. None of the witnesses examined have stated that they attended any such press meet conducted by accused No.2. Apart from the bare allegation, no material has been placed on record to substantiate the same. The learned counsel for the complainant relied on Ext.P4 reply notice to contend that accused No.2 had admitted conducting a press meet. However, a perusal of Ext.P4 does not reveal any such admission. The testimonies of PW1 to PW4 also do not disclose any involvement of accused No.2 in the alleged act.

18. As rightly pointed out by the learned counsel for accused No.2, no reliable evidence has been adduced to establish that PW1 is widely known as "Karyavattom Haneefa." PW2 stated that PW1 is so

known because he operates a bus service in the name "Karyavattom." However, no documentary evidence has been produced to show that the complainant operates any such bus service. Likewise, no material has been produced to substantiate the claim that PW1 is functioning as an office bearer of various institutions, as alleged in the complaint.

19. In a criminal case, the complainant is required to prove the allegations beyond reasonable doubt in order to secure a conviction. In the present case, the evidence adduced is insufficient to connect accused No.2 with the alleged offence. Therefore, accused No.2 is entitled to an acquittal.

In the result,

- 1. Accused No.2 is acquitted under section 271(1) of the BNSS of the offences punishable under section 500 read with 34 of the IPC. The bail bond is cancelled, and sureties are discharged.***
- 2. Case against others is split up and refiled as CC 753/2026.***

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court this the 30th day of April, 2026.)


Judicial First Class Magistrate-II,
Perinthalmanna

APPENDIX IN CC 251/2019
SPECIMEN CHART FOR WITNESSES EXAMINED

Prosecution Witness No.	Name of Witness	Description
1	Haneefa	Complainant
2	Abdul Majeed	Same as complainant
3	Joseph	Same as complainant
4	Shoukkath	Same as complainant

SPECIMEN CHART FOR EXHIBITED DOCUMENTS

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
P1	Paper news	PW1
P2	Lawyer's notice	PW1
P3	Receipt	PW1
P4	Reply notice	PW1

Exhibit Marked by court

Nil

Witnesses examined for accused

Nil

Exhibits marked for accused

Nil

Material Object Marked for Prosecution

Nil




Judicial First Class Magistrate-II,
Perinthalmanna