

MHRG090010262017



S.C.C No.647/2017

Sarthak Anant Jadhav

V/s Ganesh Parab through

Morya Infra Construction Pvt.Ltd.

**ORDER BELOW EXH.1**  
**( Passed on 18.10.2022)**

The present complaint is filed punishable under section 499,500 of Indian Penal Code.

2. The Ld. advocate for the complainant submitted that, the accused persons have caused defamation of the complainant by publishing advertisement in the news papers, because of which complainant got insulted, and his image has been damage in the society. Further the complainant would not able to get job in the District. As the news papers in which the advertisement was published are popular in the District.

3. Perused complaint, verification and report filed by police under section 202 Code of Criminal Procedure. As per inquiry report of police, the complainant published one post on facebook account about the accused company. Therefore, the accused no. 01 that is company has published the advertisement with photo of complainant. Holding that anger in mind the complainant has filed complaint against the accused.

4. Further, the Ld. Advocate for the complainant submitted that, accused no.2, 3 and 4 published the said

advertisement in the news paper and thereby committed an offence and for that he is relied on the authority of Hon'ble Bomaby High Court :

"Ashokkumar V/s State of Maharashtra",1986(8)CPMH45 the ratio of the said authority ," One who declares himself to be the editor, printer and publisher of the newspaper, as prescribed under the Act and whose name is printed as such in the newspaper is liable for every portion of that newspaper not to speak of defamatory Article or news-item in that issue of the newspaper. Such a person can no doubt defend himself in the trial that the said defamatory publication was for public good under the first exception to Section 499 Indian Penal Code But he cannot question the issue of process in initial stage of the proceedings at which stage,he not being an accused does not come into picture at all."

5. After going through the complaint prima facie it appears that, offence punishable under section 500 of Indian Penal Code is made out against the accused persons. In the result, I pass following order:

### **ORDER**

Issue process against all the accused persons under section 204 of the Code of Criminal Procedure.

Date: 18/10/2022

(Megha C. Hasge)  
Judicial Magsitrate F.C Roha.