



Presented on – 26-09-2024
Registered on –26.09.2024
Decided on - 11.03.2026
Duration – 01-Y. 05-M. 15-D.

IN THE COURT OF SESSIONS JUDGE, AT : WARDHA
(Presided over by Ms. S.J. Ansari)

Criminal Revision Application no.36/2024

Exh.no. 24

Adv. Bela Vinodkumar Tibdewal,
Age – 40 years, Occ – Advocate,
R/o. Masala,
Tah. & Dist. Wardha.

---Petitioner.
(original complainant)

Vs.

1] Nagnath Gangaram Yembadwar,
(Dead)

2] Kailash Shankar Gadhe,
Age – 53 years, Occ – Govt. Service,
The Valuation Sub-Registrar Grade-I,
J.D.R. office Buldhana,
c/o Administrative Building, 1st Floor,
In front of Bus Stand, Buldhana
Tah. & Dist. Buldhana.

3] Smt. Nalini Ravindra Dhanorkar,
Age – 45 years, Occ – Cultivator,
R/o. 617, Plot No.2, Trimurti Nagar,
Ward No.3, Behind Punjab Colony,
Umari (Meghe),
Tah. & Dist. Wardha.

---Respondents.
(original accused)

Appearances :-

Advocate Ms. Bela Tibdewal in person.
Respondent no.1 is dead. Hence, abated.
Advocate Shri. P.B. Taori for the respondent no.2.
Advocate Shri. S.P. Choube for the respondent no.3.

Revision under section 397 of the Code of Criminal Procedure**JUDGMENT**

(Delivered on 11th March, 2026)

1] The present revision has been filed for challenging the order dismissing the criminal complaint filed vide SCC No.195/2024 (Bela Vs Nagnath + 2) by the petitioner for the offences punishable under sections 499, 500 r/w sec.34 of Indian Penal Code.

2] Brief facts of the petitioner's case are as follows-

The petitioner is an Advocate by profession and enjoyed a good reputation in the eyes of her friends, family, colleagues and has had a blemishless career as an Advocate. In the course of performing her professional duties, the complainant had advised a client i.e. Shri Ravindra Madhavrao Dhanorkar who was working as a Junior Clerk in the office of the Sub-Registrar, Arvi, Dist. Wardha regarding his service problems. The respondent no.1 (since dead) and the respondent no.2 were the senior officers of Shri Dhanorkar in his workplace while the respondent no.3 is his legally wedded wife. Subsequently, Shri Dhanorkar had some disputes with his wife, children and mother-in-law regarding which also he had taken advise from the complainant. During the course of the said dispute, the respondent no.3 issued a

letter to the respondent no.1 in which she stated that Shri Dhanorkar had an illicit relationship with the complainant. On receiving the said letter, the respondent no.1 issued a show cause notice to Shri Dhanorkar. Even though the said notice should have been issued by way of a confidential letter directly to Shri Dhanorkar, the respondent no.1 addressed the said notice to him i.e. Shri Dhanorkar through his seniors by way of an ordinary letter. On receiving the said letter from the respondent no.1, the respondent no.2 handed over the said letter to Shri Dhanorkar. In this manner all the colleagues of Shri Dhanorkar working in the relevant office at Arvi and Wardha came to know about the allegations made against Shri Dhanorkar and the complainant.

3] Some colleagues then contacted the complainant and informed her about the respondent no.3 having written a letter to the respondent no.1, who had then issued the show cause notice to Shri Dhanorkar. Even Shri Dhanorkar contacted the complainant and told her about the said letter and gossip in the office. He also told her that the letter in question had been sent as an open letter due to which all his colleagues in his office had read the same. The complainant then applied under the provisions of the Right to Information Act (hereinafter referred to as “the R.T.I. Act”) for being given a copy of the said letter.

4] In a short period the news about the allegations made by the respondent no.3 against the complainant reached the people in the society after which they started targeting her. This resulted in the complainant facing physical and mental trauma. Even Shri Dhanorkar was facing a similar situation regarding his colleagues and ultimately

he replied to the show cause letter on 20-3-2023 and thereby denied all the allegations made against him by his wife. In spite of this, his physical and mental torture at the hands of his colleagues did not stop. He therefore, took voluntary retirement from his service.

5] The complainant then issued a notice to all the respondents. The respondent nos.1 and 2 replied to the same and denied the fact of having defamed the complainant in any way by issuing the show cause letter. But, the respondent no.3 did not respond to the said notice. Hence, stating that the respondent no.3 had made defamatory allegations against her, which resulted in the news of the same going viral, resulting in the complainant's relatives asking her for clarifications due to which her image in the society was maligned and her reputation was injured, the complainant filed a complaint before the Id. Judicial Magistrate First Class (Court No.2), Wardha against the respondents for having committed the offence punishable under section 500 r/w sec.34 of the Indian Penal Code. (hereinafter referred to as "the I.P.C.")

6] Subsequently, the complainant's statement came to be recorded after which she was heard regarding the issuance of process against the accused persons. By order dtd. 23-8-2024 below Exh.1, Id. JMFC (Court No.2), Wardha was pleased to dismiss the complaint under section 203 of the Code of Criminal Procedure. This resulted in the said order being challenged in the present revision.

7] As per the petitioner, the letter issued by the respondent no.3 to the respondent no.1 contained defamatory allegations.

Therefore if the respondent no.1 would have wanted to issue a show cause notice to Shri Dhanorkar regarding the allegations made by his wife, he should have issued a confidential letter directly to the said employee. But, by issuing an ordinary letter which passed through various hands before reaching Shri Dhanorkar, the defamatory allegations in the same were published to the public, thereby defaming the petitioner. Hence, stating that the respondent nos.1 and 2 had not been discharging their duties as public servants while issuing an ordinary show cause notice to Shri Dhanorkar, it has been stated that their act has resulted in the complainant being defamed.

8] Pointing out that the ld. Trial court had made a grave error by ignoring the said basic fact due to which defamatory contents of the letter had been read by Shri Dhanorkar's colleagues in the office, that it had caused serious injury to the complainant, due to which she had a very strong case against the respondents, the dismissal of her criminal complaint was therefore – according to her, erroneous. This was also because the ld. Trial court – as per the petitioner, did not give her a sufficient opportunity to prove her case. This was so as though the petitioner – as per her contentions, had requested the ld. Trial court for permission to furnish additional evidence, the said court had not kept the case for further evidence but posted the same for hearing. In the result, the petitioner is seeking the setting aside of the order of dismissal of her complaint by the ld. Trial court.

9] I have heard Ms. Bela Tibdewal the petitioner, Shri. P.B. Taori Advocate for the respondent no.2 and Shri. S.P. Choube Advocate for the respondent no.3.

10] In view of all the arguments and the material on the record, the following points arise for my determination and I answer the same in the manner and for the reasons as stated here-in below-

Sr. No.	Points	Findings
1]	Does the petitioner prove that the order : impugned dtd.23-8-2024 i.e. the dismissal of SCC No.195/2024 by the ld. JMFC (court no.2), Wardha is illegal, incorrect and improper ?	In the negative.
2]	Does the impugned order require any : interference ?	In the negative
3]	What order ?	: The revision stands dismissed.

Reasons

As to Point No.1 :-

11] As the facts of the matter have already been related by me in the forgoing paras, it is not necessary to again repeat the same at this stage. Suffice it to say that the petitioner is coming with a case of she having been defamed on account of the act of the respondent no.1 in issuing a show cause notice to Shri Ravindra Dhanorkar by way of an ordinary letter through the respondent no.2, which resulted in its contents been published to the persons working in the office of Sub-Registrar at Wardha and Arvi. In support of her contentions the complainant has furnished on record the material which was before the

ld. Trial court in SCC No.195/2024. The same consists of the copy of the criminal complaint, the complainant's verification statement dtd.3-7-2024, the documents filed with the list (Exh.3) by the complainant before the trial court and the order dismissing the complaint on 23-8-2024.

12] In support of her contentions, the complainant has placed on record a pursis (Exh.14) stating that the same should be considered as her written notes of argument. Therein she has basically reiterated her contentions regarding the dispute in question and pointed out that the dissemination of the confidential contents of the letter written by the respondent no.3 to the respondent no.1 resulted in the show cause notice being handled by the person receiving the same in the office of the Sub-Registrar at Arvi, due to which it's contents were widely disseminated, thereby causing significant harm to her reputation. This act of the respondent nos.1 and 2 as per the petitioner, did not fall within their official duty and hence, they were guilty of committing the offence of defamation. In support of the said argument, the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in **Kanwal Lal Vs State of Punjab AIR 1963 S.C. 1317** and **Chamanlal Vs State of Punjab AIR 1970 S.C. 1372**. Reliance has also been placed by her on the provisions of the Maharashtra Civil Services Conduct Rules, 1979. Hence, the petitioner has sought the setting aside of the order impugned in the present proceeding. Subsequently, on 5-7-2025, the petitioner again filed a pursis (Exh.16) and thereby placed on record a judgment of the Hon'ble Supreme Court in **Kaushal Kishor Vs State of Uttar Pradesh & ors. [2023] 8 S.C.R. 581**.

13] In the course of his argument Shri P.B. Taori Advocate has on behalf of the respondent no.2, pointed out that the petitioner had not placed on record any copy of the show cause notice issued to Shri Ravindra Dhanorkar. He has also pointed out that there is no material to further show that the said show cause notice had been read by any other person i.e. published in the manner required for proving an offence punishable under section 500 of IPC. It has further been argued that the respondent no.2 being a public servant and having issued the show cause notice to Shri Dhanorkar while acting in the discharge of his official duty, the ld. Trial court could even otherwise not have taken cognizance of the alleged offence for want of the previous sanction of the State government. He has therefore argued that the dismissal of the Complaint case no.195/2024 by the ld. Trial court was completely correct, proper and legal, which order was therefore, not liable to be revised.

14] Shri S.P. Choube the Advocate for the respondent no.3 has in his argument pointed out that Ravindra Dhanorkar's wife had only written to the superior of her husband in order to prevent him from withdrawing any money from his provident fund, as an application filed by her against her husband under the provisions of the Protection of Women from Domestic Violence Act, 2005, (hereinafter referred as "the D.V. Act"), was still pending. In that context, she had mentioned the reason of her husband having illicit relations with the petitioner due to which he had left her and her children since six months and had also refused to maintain them. Therefore, arguing that the act of the respondent no.3 came within the Exception 8 and 9 of section 500 of

IPC, no offence of defamation as per Shri Choube Advocate, could therefore, be said to have been committed by his client.

15] Subsequently, the petitioner filed a list of documents online (Exh.23) regarding the Spl.C.S.No.58/2024 filed by her against the present respondents, wherein a “no W.S.” order was passed against Nalini Dhanorkar and an application filed by the said lady in HMP No.8/2024 – which petition is pending before the 4th Jt. C.J.S.D. Wardha.

16] I shall first deal with the question of the ld. Trial court not giving a fair opportunity to the petitioner for producing all the material required to prove that an offence of defamation had been committed by the respondents. Pertinently, no roznama of the said proceeding or any other material has been placed on the record to show that the complainant - after the recording of her statement before the ld. Trial court, had sought permission from the court to examine any further witnesses. This was in spite of the fact that the complainant had, in the complaint itself, stated that she wanted to examine Ravindra Dhanorkar, Mukesh Sharma and Varsha Bagve in support of her contentions. Significantly, after the recording of her verification the petitioner filed a pursis dtd.3-7-2024 before the ld. Trial court, wherein she stated that she did not want to give further verification and closed the verification. Even if it is assumed for the sake of argument that the said pursis pertained only to her verification, nothing had prevented the petitioner from further seeking permission from the court to examine her other witnesses. No application or pursis regarding the same appears to have been filed by the petitioner before the ld. Trial

court for doing so. This will itself be sufficient to falsify her contention that the ld. Trial court had not granted her the opportunity to examine other witnesses. There is therefore, no substance in the petitioner's argument about the ld. Trial court not having given her sufficient opportunities for examining further witnesses.

17] Turning now to the facts of the matter it will have to be noted that the letter which is the basis of the criminal complaint in question, had been written by the respondent no.3 on 11-1-2023 to the office of the Jt. Registrar, Registration Office, Wardha. No doubt that the said letter mentioned the fact of Shri Ravindra Dhanorkar having illicit relations with the present petitioner. But, the context in which the said allegation had been made is equally important. The same pertains to Shri Dhanorkar ignoring the requirements of his family members by failing to provide the necessary maintenance to them. Consequently, the respondent no.3 had filed an application under the D.V. Act against Shri Dhanorkar in the court at Wardha. Therefore, seeking to prevent her husband from withdrawing any amount of money from his GPF account, the respondent no.3 had requested the said office to not allow Shri Dhanorkar to withdraw any such money.

18] This contention, in my view, will certainly come within the 8th and 9th Exception to section 499 of IPC. In Exception 8 it has been stated that it is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of the accusation. Exception 9 to section 499 IPC pertains to an imputation on the character of another not being defamation provided that the imputation is made in

good faith for the protection of the interest of the person making it. Hence, the respondent no.1 being Ravindra Dhanorkar's superior and having the authority to decide his application for withdrawal of money from his GPF account, the respondent no.3 could only approach him for securing her and her children's interests for doing so, she was certainly required to put forth the reason for making such a request, which resulted in she mentioning the alleged illicit relations of her husband. There is further, nothing on the record to show that the respondent no.3 had any intention - other than securing her and her children's interest in the service benefits of her husband Shri Dhanorkar. It also cannot be assumed that the respondent no.3 would have known the fact of a show cause notice being issued by the respondent nos.1 and 2 to her husband regarding the same. I therefore, do not find that there was any material before the Id. Trial court to prove that the present petitioner had been subjected to defamation by the respondent no.3.

19] With regard to the respondent nos.1 and 2, as has already been pointed out, the respondent no.1 Nagnath Yembadwar the then Jt. Sub-Registrar Class-II, Wardha has expired. Though he was stated to be the person who had issued the show – cause notice, the matter against him therefore, stood abated.

20] As regards the respondent no.2 Kailash Gadhe, it will have to be appreciated that he was Shri Dhanorkar's superior in his actual place of work. Consequently, on receipt of the letter dtd.11-1-2023 sent by the respondent no.3, the respondent no.1 - as per the conduct rules applicable was required to issue a show cause notice to the said employee i.e. Shri Dhanorkar. Hence, he having done so in his official

capacity, and the respondent no.2 having only been the authority through whom it had been sent, no complaint against him for any criminal offence could also have been taken cognizance of, without first obtaining the sanction of the State government. No such sanction even appears to have been applied for by the complainant. This is because, according to her the issuance of the show cause notice by way of an open letter did not fall within the official duty of the said respondent. This argument of the petitioner however, does not have any substance at all. This is because, the conduct rules governing the employees of the Maharashtra government require an employee to conduct himself in a manner beyond reproach. Hence, it was the official duty of the respondent no.1 to issue a show cause notice to Shri Dhanorkar through the respondent no.2 about the allegations made against him by his wife. Consequently, his prosecution as also that of the respondent no.1 was barred under section 197 Cr.PC. for want of the necessary sanction.

21] Further, it will have to be noted that other than the bare contention of the petitioner, there was no material placed before the Id. Trial court to show that the show cause notice issued to Shri Dhanorkar had been sent in a manner which resulted in its contents being read by his colleagues in the office of the Sub-Registrar at Wardha and Arvi. This is because, the complainant has neither examined Shri Dhanorkar nor any other employee of the concerned office at Arvi or Wardha. Their being nothing in the complaint to show that the petitioner had seen the letter being read in the said offices on account of it not having been sent in a confidential manner, her testimony regarding the same

does not merit any consideration. No other witness having been examined, the publication of the letter written by the respondent no.3 in the manner as stated by the petitioner, was not able to be shown. In such circumstances, it is quite clear that the ingredients of the alleged offence not having been made out, no process at all could have even been issued even against the respondent no.2 for having committed an offence punishable under section 500 of IPC.

22] Though various rulings as stated here-in-above have been relied upon by the petitioner to show that an offence of defamation had indeed occurred regarding her, none of the same can be said to apply to the facts of the present case. This is because, in Kanwal Lal's case, he - in spite of being a public servant employed in the office of the IGP Punjab and Chandigarh, had written a letter to the Panchayat Officer alleging that the complainant was a prostitute and that she should be removed from the house in which she was living. Hence, pointing out that the said authority did not have the jurisdiction to take cognizance of any offence under the IPC, as also that the appellant had made the accusation only to protect his interest, the Hon'ble Supreme Court had held that the offence of defamation had been proved. Even in Chamanlal's case, the appellant had made defamatory remarks regarding the character of the complainant - a nurse attached to the Civil Dispensary at a public meeting. He then wrote a letter to the Civil Surgeon which contained defamatory statements against the complainant's character and also repeated the defamatory allegations before the Civil Surgeon. Holding that the evidence regarding the complainant's character was not proved but was motivated by the

animus of the appellant against the complainant, that the appellant had not been able to establish that the imputation had been made in good faith or for public good, the conviction came to be upheld.

23] No doubt that in the matter in hand also, the letter written by the respondent no.3 contained imputations against the petitioner. But, as has already been pointed out the respondent no.3 comes within Exception 8 and 9 to section 499 of IPC, while the respondent no.1 had issued a show cause notice to Shri Dhanorkar through the respondent no.2 in the discharge of official duties. Further, as previously stated, no sanction of the State Government having been obtained, the complaint against him and even the respondent no.1 (since deceased) could not have been taken cognizance of by the ld. Trial court. Hence, the aforesaid two judgments cannot help the petitioner in any way. The other judgment of the Hon'ble Supreme Court relied upon by the petitioner is completely inapplicable to the facts of the present case as it relates to the reasonable restrictions which can be placed on the right of free speech.

24] In the result, I am of the view that the impugned order dtd.23-8-2024 in SCC No.195/2024 Bela Vs Nagnath + 2 is proper, correct and legal. I therefore, answer point no.1 in the negative and record my finding thereon accordingly.

As to Point No.2 :-

25] A perusal of the impugned order will show that though the ld. Trial court noted the fact of the respondent nos.1 and 2 having discharged their official duties vis-a-vis the show cause notice issued to

Shri Dhanorkar, it did not consider the aspect of the complainant not having obtained any previous sanction for prosecuting the said officers. In spite of this, the conclusion reached by the ld. Trial court about no case having been made out for issuing process against the respondents was perfectly correct. I am therefore, of the opinion that the said order does not require any interfere. In the result, I answer point no.2 in the negative and record my finding thereon accordingly.

As to Point No.3 :-

26] In view of my findings as to point nos.1 and 2, I proceed to pass the following order.

Order

1] The Criminal Revision Application No.36/2024 (Adv. Bela Vinodkumar Tibdewal Vs Nagnath Gangaram Yembadwar + 2) stands dismissed.

2] Inform the ld. Trial court.

Wardha.
Date – 11.03.2026.

(Ms. S.J. Ansari)
Addl. Sessions Judge, Wardha.

Certificate

I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

S.V. Dakhane
Stenographer G-1

Name of the Judge	Ms. S.J. Ansari
Date of Pronouncement of Judgment/Order	Addl. Sessions Judge, Wardha. 11/03/2026
Judgment/Order signed by P.O. on	16/03/2026
Judgment/Order uploaded on	16/03/2026