

Sessions Judge, Raigarh, in Criminal Revision no. 52 of 2006, dismissing the complaint filed by the appellant before the Chief Judicial Magistrate, Raigarh, as far as it related to the Respondent no. 1 herein.

While dismissing the petitioner's petition u/s 482 Cr.P.C. the High Court indicated that the publication in question did not really contain any defamatory statement for which the respondent could be prosecuted.

We do not wish to comment on the complaint itself, except to the extent that by publishing the news under the heading "Kapila struggling between life and death, victimization of Dowry devil" prima-facie the respondent No.1 appears to have made imputations against the appellant. We are, therefore, of the view that the learned Sessions Judge, Raigarh, was not right in setting aside the order of the learned Chief Judicial Magistrate and dismissing the complaint as against Respondent no. 1

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In that view of the matter, we are inclined to set aside the order passed by the High Court as also the order of the Sessions Court. The appeal is accordingly allowed. The impugned order of the High Court as well as the order passed by the Sessions Court, Raigarh in Crl. Revision No. 52 of 2006 are hereby set aside.

We make it very clear that the observations made in this order shall not influence the Trial Court while proceeding with the matter.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

New Delhi
Dated February 26, 2010