

CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.1005 OF 2016
(Arising out of SLP(Crl.)No.5013 of 2010)
NASEEM ANSARI & ANR.
VERSUS
STATE OF U.P.& ANR.

.....APPELLANTS
.....RESPONDENTS

O R D E R

Heard learned counsel for the rival parties.
Leave granted.

While issuing notice, this Court vide Motion Bench order dated 02.06.2010, recorded as under:

â- S A perusal of the article shows that the same is directed against one Smt. Gita Singh, who was then a member of the Uttar Pradesh Legislative Assembly. According to the author of the article, by taking advantage of the position of her husband, who was Director General of Police, Uttar Pradesh, Smt. Gita Singh amassed huge wealth. While doing so, the author described Smt. Gita Singh as the daughter of an ordinary lawyer. The expression with which respondent No.2 felt offended is 'EK SADHARAN VAKIL KE GHAR JANMI'.

Respondent No.2 filed a complaint against the petitioners by alleging that by describing late Shri Shankar Singh, as an ordinary advocate with whom the complainant had worked as junior counsel, the author and the publisher of the article has brought down the image of late Shri Shankar Singh in the eyes of the public. The

2
complainant further alleged that by those who were associated with late Shri Shankar Singh have felt greatly hurt by the ominous description of the learned advocate in the article.

In support of the complaint filed by him, respondent No.2 examined himself apart from Shri Jai Singh (nephew of late Shri Shankar Singh) and Shri Ram Shankar Shukla, Advocate and all of whom supported the averments made in the complaint. By an order dated 6.6.2008, the learned Chief Judicial Magistrate took cognizance and issued summons to the petitioners. Later on, he issued bailable and non-bailable warrants because the petitioners failed to respond to the summons issued by the court.

The petitioners challenged the summoning order in Criminal Misc. Application No. 14932 of 2010, which has been dismissed by the impugned order.

Prima facie, we are of the view that the description given to late Shankar Singh in the article authored and published by the petitioners does not amount to any offence and the learned Chief Judicial Magistrate committed an error by taking cognizance of the complaint filed by respondent No.2.â- \235

We have been taken through the alleged defamatory article, which has been placed on the record of this case, as Annexure P-1. We have read the article published in Hindi, wherein the alleged defamatory statement is, that the concerned legislator was the daughter of a â- Ssadharaâ- \235 (ordinary) lawyer. We find nothing defamatory about the description of the father of the

legislator.

In view of the above, we are of the view, that the tentative determination of this Court, recorded in its Motion Bench order dated 02.06.2010, was fully justified.

3

The instant appeal is accordingly allowed and the proceedings in Complaint Case No.5200/07, filed before the Chief Judicial Magistrate, Basti, Uttar Pradesh, are quashed.

.....J.
(JAGDISH SINGH KHEHAR)

.....J.
(ARUN MISHRA)

NEW DELHI;
OCTOBER 21, 2016.

4

ITEM NO.6 COURT NO.3 SECTION II
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
Petition(s) for Special Leave to Appeal (Crl.) No(s).5013/2010
(Arising out of impugned final judgment and order dated 25/05/2010
in CRLMA No.14932/2010 passed by the High Court of Judicature at
Allahabad)
NASEEM ANSARI & ANR. Petitioner(s)

VERSUS

STATE OF U.P.& ANR. Respondent(s)
(Office report for direction)
Date : 21/10/2016 This petition was called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Ms. Kamini Jaiswal, Adv.
Ms.Shumaila Altaf, Adv.

Mr.Jatinderpal Singh Grewal, Adv.
For Respondent(s) Mr. Ravi Prakash Mehrotra, Adv.
(For State of U.P.) Mr.Rajeev Dubey, Adv.
Ms. Mukti Chowdhary, Adv.

Mr.Vijay Shekhar, Adv.
Mr.Abhindra Maheshwari, Adv.

Upon hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(SATISH KUMAR YADAV) (RENUKA SADANA)
AR-CUM-PS ASSISTANT REGISTRAR

(Signed order is placed on the file)