

ITEM NO.10

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).5013/2010

(From the judgement and order dated 25/05/2010 in CRLMA No. 14932/2010 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NASEEM ANSARI & ANR. Petitioner(s)  
 VERSUS  
 STATE OF U.P.& ANR. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and exemption from filing O.T. and ex-parte stay)

Date: 02/06/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
 HON'BLE MR. JUSTICE C.K. PRASAD  
 (VACATION BENCH)

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

For Respondent(s)

UPON hearing counsel the Court made the following  
 O R D E R

Heard learned counsel for the petitioners and perused the record including the article published in 'India News' on 15.06.2007 with the title 'Gita Singh- the lady Don'.

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

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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 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.

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Issue notice to the respondents, returnable in sixteen weeks.

Issue notice on the petitioners' prayer for interim relief.

In the meanwhile, further proceedings pursuant to order dated 06.06.2008 passed by the Chief Judicial Magistrate, Basti (State of Uttar Pradesh) in the complaint filed by respondent No.2 shall remain stayed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master

N.B. Copy of the order be given dasti