

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1644 OF 2011

ANANDI DEVI

Appellant(s)

VERSUS

PRAKASH CHANDRA PANT & ANR.

Respondent(s)

O R D E R

This appeal is directed against the judgment and order dated 28.04.2010 passed by the High Court of Uttarakhand at Nainital in Criminal Revision No. 308 of 2001 whereby the High Court setting aside the order of the lower court allowed the Revision Petition filed by the respondent No.1 acquitting him of the offence punishable under Section 500 of the Indian Penal Code, 1860. The relevant facts which are necessary for the purpose of deciding this appeal are narrated below.

A criminal complaint was filed by the appellant-Anandi Devi on 26.09.1988 against the respondent No.1-Prakash Chandra Pant, who is an editor of a weekly newspaper 'Almora Times'. The appellant was a clerk working in the District Development Office. In the complaint, the appellant pleaded that two news reports were published in the said newspaper with the titles "EK RAHASYA JANE SABHI" AND "HEY ISHWAR TUNE TO DEKHA HI HOGA". The said news items related to the fact that how minor female inmates of the observation homes are kept highlighting that one of the inmates Maya got pregnant. Among the persons which the newspaper reported

responsible included the appellant-Anandi Devi whose photograph was also published in the group along with others. The grievance of the appellant is that because of the said newspaper report her prestige got lowered down in the eye of the people who knew her in the society.

The trial Court, after recording of the complaint and that of the witnesses summoned the accused to face the trial in respect of the offence punishable under Section 500 of IPC.

After recording the evidence and hearing the parties, the trial Court held respondent No.1 guilty of the offence punishable under Section 500 of IPC and sentenced him to simple imprisonment for a period of one year and also directed him to pay a fine of Rs. 50 with default provision. Being aggrieved, respondent No.1 preferred an appeal before the Sessions Judge, Almora which was also dismissed. A revision was preferred by respondent No.1 before the Allahabad High Court and the said revision was transferred to the High Court of Uttarakhand after the U.P. Reorganization Act, 2000 came into force.

The High Court, after perusing all the facts and evidence produced before the Court came to the conclusion that the courts below have erred in law in appreciating the evidence and allowed the revision filed by the respondent No.1.

We have heard Mr. Ravindra S. Garia, learned counsel appearing for the appellant and Mr. R. Basant, learned senior counsel appearing for the respondent No.1 at length.

It appears to us that respondent No.1 was a journalist and

editor of the newspaper 'Almora Times' in which the news item and the photograph were published. Learned counsel drew our attention to a report of the Executive Magistrate written to the District Magistrate in which he gave his conclusion after examining as many as 25 witnesses including the appellant-Anandi Devi. This report is prior to the filing of the criminal complaint. In the said report, the Magistrate has found that one Chandra Dutt Pandey who used to work in the house of the appellant was responsible for pregnancy with the female inmate of the observation home and the name of Chandra Dutt Pandey was taken by the victim herself before the Magistrate. It has also come on the report that one R.P. Singh Fonia, who was a District Social Welfare Officer used to live in the house of the appellant-Anandi Devi who used to get Chandra Dutt Pandey engaged on leave vacancy as Chowkidar in the observation home. The Magistrate in his inquiry discussed about the conduct of the Superintendent of the Nursing Home and the District Social Welfare Officer who was posted in the observation home and also the conduct of Anandi Devi in the entire episode. Because of this the names have figured in the newspaper.

Section 499 of IPC defines defamation. Learned counsel drew our attention to first and second exceptions to Section 499 of IPC which reads as under:-

"First Exception.- Imputation of truth which public good requires to be made or published.- It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

"Second exception.- Public conduct of public servants:- It

is not defamation to express in a good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further."

The High Court, after hearing the parties, came to the conclusion that it cannot be said that respondent No.1 has named the appellant alone to defame her and the courts below have not properly appreciated the evidence adduced in defence.

We are of the view that the High Court is right in coming to the conclusion that the courts below have erred in not seeing the allegation in the newspaper report and the finding in the Magistrate Inquiry which are similar and as such it cannot be said that respondent NO.1 has published the news item to defame the complainant-appellant.

We are of the opinion that the report has been published after taking due caution and on the basis of the material and hence it cannot be said that respondent No.1 has committed the offence of defamation.

Hence, we do not find any reason to interfere with the judgment delivered by the High Court. We find no merits in the appeal.

Accordingly, the criminal appeal is dismissed.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(R.K. AGRAWAL)

New Delhi;
September 01, 2015.

ITEM NO.119

COURT NO.13

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

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Date : 01/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. Ravindra S. Garia, AOR

For Respondent(s) Mr. R. Basant, Sr. Adv.
Mr. Rahul Johsi, Adv.
Mr. Karthik Ashok, Adv.Mr. Jatinder Kumar Bhatia, AOR
Mr. Aditya Singh, Adv.

Mr. Shivaji M. Jadhav, AOR

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

The criminal appeal is dismissed in terms of the signed order.

(R.NATARAJAN)
Court Master(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)