

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.50553 of 2024

Arising Out of PS. Case No.-2540 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. T.V. Today Network Limited, A Company Incorporated under the Provisions of the Indian Companies Act, 1956 and having its registered office at F-26, First Floor, Connaught, Circus, New Delhi -110001, through its Authorized Representative Mr. M. N. Nasser Kabir @ Mohammed Nurul Nasser Kabir, son of Late Mohammed Nurul Naseser Kabir, Resident of Tower 5-802, Emmar Palm Terraces Select, Golf Course Ext. Road Badshahpur, Sector-66, South City-II, P.S. - Badshahpur, District-Gurgaon, Haryana, Pin Code No.- 122018.
2. Aroon Purie, Son of Late V. V. Purie, Chairman and Whole Time Director, TV Today Network Ltd., Resident of House No. 6, Palam Marg, Vasant Vihar, New Delhi – 110057.

... .. Petitioners

Versus

1. The State of Bihar through the Law Secretary, Law Department, Govt. of Bihar, Patna
2. Shree Rajeev Ranjan Singh @ Lalan Singh, Son of Late Jwala Prasad, Resident of “Maa Sadan”, B-85, Buddha Colony, East Boring Canal Road, P.S. - Buddha Colony, District - Patna, Bihar, Pin Code - 800001

... .. Opposite Parties

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Code of Criminal Procedure, 1973---section 482---Quashing---Indian Penal Code---section 499, 500, 120-B---petition to quash order taking cognizance of offence u/s 500, 120-B IPC---allegation against Petitioners is of broadcasting defamatory news on their news channel against the Complainant/O.P. no-2, a prominent politician--- petitioner no.1 is a “company” under which “Aaj Tak” news channel aired the alleged defamatory news regarding O.P. No.2, while

petitioner no.2 is admittedly the “Managing Director” controlling entire affairs of petitioner No.1.

Findings: news which is alleged to be defamatory in nature prima facie tarnished the image of O.P. No.2 and lowered down his prestige and reputation in public at large---- The word “deal” certainly implies that O.P. No.2 for his personal political gain made an attempt to damage a ruling political party of which he was the National President and when it came into knowledge of CM, Nitish Kumar, he was removed from the post of National President of JD(U), which was a wrong fact, and prima facie damaged the reputation of O.P. No.2 in party and also in public---- “denial of intention” by Petitioners cannot be accepted at par of “tendering apology” as asked for----deciding “absence of intention” is the subject of trial--- burden of proving exception also always lies on claimants, in this case it lies on both petitioners, which can be discharged legally only during the trial--- no infirmity in impugned order taking cognizance---petition dismissed. (Para 59-62, 65-67)

(2024) 1 SCC 797, (2019) 17 SCC 193, 1992 Suppl. (1) SCC 335

.....Referred To.

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Appearance :

For the Petitioners	:	Mr. Ansul, Senior Advocate
		Mr. Hrishikesh Baruah, Advocate
		Mr. Rajesh Ranjan, Advocate
		Md. Farooq, Advocate
		Ms. Maria Nazir, Advocate
For the Opposite Party No.1:		Mr. P.K. Shahi, Advocate General
		Mr. Jharkhandi Upadhayay, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
CAV JUDGMENT
Date : 24-03-2025

2. Petitioner no.1 is a company, which is incorporated under the provision of the Indian Companies Act, 1956 and represented through its authorized representative Mr. Naseer Kabir. The petitioner no.2 is a citizen of India, who is the Chairman and Director of TV Today Network Limited. The petitioner no.2 heads India's



one of trusted and diversified media, which publishes a host of magazines and a daily newspaper. The aforesaid group has also four TV News Channels, a radio channel and India's largest commercial printing plant. The role of petitioner no.2 is to take policy decision. He has no concern with daily news broadcast. The petitioner no.2 is in no way connected with the selection, publication, dissemination and circulation of the news broadcast.

Factual background and circumstances to file complaint by O.P. No.2:

(i) On 29.12.2023, the National Executive meeting of the Janata Dal (United) [for short 'JD(U)'] - a Political Party, had taken place in Delhi. It is relevant to state that the O.P No. 2 (Complainant) was the National President of the aforementioned JD (U) from 31.07.2021 to 29.12.2023.

(ii) On 29.12.2023, in National Executive Meeting of the aforementioned JD(U) Party one event surfaced, where the O.P No. 2 was allegedly asked to resign from the post of the National President of JD(U). It is asserted that the Complainant (O.P. No. 2) has since then become close to one Shri Laloo Prasad Yadav and they have decided that they will make one Shri Tejashwi Yadav as the Chief Minister of the State of Bihar. However, the official



narrative provided is that the O.P No. 2 /complainant allegedly expressed that he does not want to continue on the post of the National President of the JD(U), as he wants to contest for the Lok Sabha. Consequently, Shri Nitish Kumar (Chief Minister of Bihar) was appointed as the National President of the JD(U). This factum has been widely reported in various newspapers and other electronic media outlets as well as the social media handles.

(iii) Consequent to the aforesaid development, a debate was held in the news channel “AajTak” as to the reasons why the O.P No. 2 was removed from the said post. The said debate was hosted by Smt. Chitra Tripathi. The debate was attended by various important political participants including Shri Syed Shahnawaz Hussain (Bhartiya Janata Party), Shri G.M Shaheen (State President JD(U)), Shri Abhishek Yadav (Rashtriya Janata Dal), Acharya Pramod Krishnam (Political Analyst), Shri Dhirendra Kumar (Lok Janshakti Party (Ram Vilas)) and Shri Sujeet Jha (Editor, TV Today Network).

(iv) The said news broadcast had taken the view point of all segments of the political parties. During the course of the debate, one of the questions, which was raised as to why Shri Nitish Kumar (Chief Minister of Bihar) does not trust his second rung of leaders, where it was pointed out initially by Mr. Sujeet Jha that some days back there was a meeting of Complainant (O.P. No. 2) with around 12 legislators of the JD (U) and that it was due to



the said meeting he has been forced to resign from the said post.

(v) Thereafter, there was a conversation between Smt. Chitra Tripathi (Host) and Shri Rohit Kumar Singh (Editor Cum Bihar Bureau Chief of TV Today Network). In the said conversation, Shri Rohit Kumar Singh pointed out that the O.P. No. 2 (Complainant herein) has held a meeting sometime back and in the said meeting there were 12 legislators. It is further stated therein that one of the legislator had gone ahead and informed Shri Nitish Kumar about the said incident and therefore this action has been taken. Thereafter, the debate opens up and one Acharya Pramod Krishnam (Political Analyst) also verifies this information (i.e., about the meeting with 12 legislators with the Complainant). Therefore, the assertion that the Complainant had met the 12 legislators with the purpose of shifting their support to RJD is beyond the realm of doubt. In any event of the matter, Shri Rohit Kumar Singh had only elicited view points from different persons. It is relevant to point out that Shri G. M. Shaheen, State President, Janata Dal (United) was present during the entire debate and he did not raise any dispute.

(vi) Thereafter, the O.P. No. 2 due to narrow political gains had issued a legal notice contrary to what is the actual facts. In the said legal notice dated 05.01.2024, it is asserted by the O.P. No. 2 that no such meeting had taken place and had asked the Petitioner to prove such a meeting.



(vii) In response thereof, the present petitioner through its lawyer had responded to the said legal notice by way of reply dated 15.01.2024. Through said reply, it was specifically pointed out that the said news item was published after credible inputs have been received. It was also pointed out that the same report has been published by multiple media organization, which lends credibility to the report.

3. In aforesaid background, the O.P. No.2, being dissatisfied with the said response, filed present Complaint Case No.2540 (C) of 2024, before the learned Chief Judicial Magistrate, Patna alleged therein that all the accused persons in collusion and conspiracy with each other, telecast a news on 29.12.2023 in which it was stated that O.P. No.2 wanted Tejaswi as the Chief Minister of Bihar for which a proposal was given by him to Mr. Nitish Kumar, which was refused by him. It is further alleged that O.P. No.2/complainant has mentioned the transcription of the telecast shown on Aaj Tak channel. It was further alleged in the complaint petition that at the time of news telecast, it was stated that he had a secret meeting with 12 MLAs and his plan was to make Tejaswi



as Chief Minister of Bihar. The complainant further alleged that the accused persons particularly Ms. Chitra Tripathi and Rohit Kumar have telecasted the false and fabricated news on 29.12.2023, as he has never had such meeting with 12 MLAs and he did not pressed any proposal to Mr. Nitish Kumar. The complainant further alleged that he enjoys very high reputation in the society and due to alleged news telecast on Aaj Tak Channel, he faced embarrassment and his image was tarnished.

ARGUMENT ON BEHALF OF PETITIONERS:

4. Mr. Ansul, learned senior counsel appearing for the petitioners submitted that on 05.03.2024, the statement of witness No.1 for the complainant namely, Shri Ramanand Mandal was recorded, whereas the statement of witness no.2 for the complainant namely, Shri Saurav Nidhi was recorded on 11.03.2024, during enquiry of the present complaint petition, where upon perusal of these statements, it appears that the statements of none of these inquiry witnesses were recorded in terms of Section 200 of the Code of Criminal



Procedure (in short 'CrPC'). In this context, it is submitted that these statements have been recorded as the witness being conducted by the complainant's lawyer. It is submitted that such statements cannot be made a basis to summon the accused persons.

5. It is submitted that the impugned order dated 02.04.2024 as passed by learned Chief Judicial Magistrate failed to assign any reason to make out a *prima facie* case for the offences under Sections 500A (500) and 120-B of the IPC. It is submitted that any order without reason is no order in the eyes of law and, therefore, same is fit to be quashed/set aside. It is submitted that the learned trial court has failed to examine the *prima facie* involvement of petitioners and allegation against them.

6. Mr. Ansul, further submitted that the cognizance was taken in hurry and in very mechanical manner, which can easily be gathered on its face that the cognizance was taken for non-existing section of IPC i.e. for 500A of the IPC. It is submitted that the



allegation/material available under complaint in issue do not constitute a *prima facie* offence of defamation as defined within the meaning of Section 499 of the IPC, as there is not even a whisper against petitioner no.2 in relation to the impugned news broadcast. It is submitted that in criminal jurisprudence the concept of vicarious liability is not available like in civil cases. In support of his submission, Mr. Ansul submitted that petitioner no.2 has no role at all in the selection of the impugned news items as well as its communication and consequent circulation, therefore, the impugned complaint and the process issued is an abuse of the process of the court of law and same is fit to be set aside/quashed.

7. In support of aforesaid submissions, learned senior counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Maksud Saiyed vs. State of Gujarat** reported as (2008) 5 SCC 668, where it has been held as under:-

“13. Where a jurisdiction is exercised on a complaint petition filed in terms of Section 156(3) or Section 200 of the Code of Criminal Procedure, the Magistrate is required to apply his mind. Indian Penal Code does not contain any provision for attaching vicarious liability on



the part of the Managing Director or the Directors of the Company when the accused is the Company. The learned Magistrate failed to pose unto himself the correct question viz. as to whether the complaint petition, even if given face value and taken to be correct in its entirety, would lead to the conclusion that the O.Ps herein were personally liable for any offence. The Bank is a body corporate. Vicarious liability of the Managing Director and Director would arise provided any provision exists in that behalf in the statute. Statutes indisputably must contain provision fixing such vicarious liabilities. Even for the said purpose, it is obligatory on the part of the complainant to make requisite allegations which would attract the provisions constituting vicarious liability."

8. It is further submitted that the averments made in the complaint are vague and unsubstantiated and cannot be a basis of arraying the petitioner no.2 as accused person. No specific allegation of any overt act amounting to defamation has been made by O.P. No.2 against petitioner no.2.

9. In support of this submission, Mr. Ansul relied upon the legal report of Hon'ble Supreme Court as available through **Neelu Chopra vs. Bharti** reported as **(2009) 10 SCC 184**, where it has been held that "in order to lodge a proper complaint, mere mentioning of the sections and the language of those sections will not be sufficient. What is required to be brought to the notice of



the court is the particulars of the offence committed and role played by each and every accused in commission of that offence". The Hon'ble Court has held that in case of vague and un-controverted facts without specification of the role committed by each person, the Court would quash the proceeding.

10. It is further submitted that the present case is squarely covered by the legal ratio of **Neelu Chopra case** (supra), as absolutely no specific allegation of any overt act amounting to defamation is made by O.P. No.2 against petitioner No.2.

11. It is further submitted that summoning of an accused in a criminal case is a serious matter and it cannot be set into motion as a matter of course in mechanical manner. The order of Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. The jurisdictional Magistrate must have to record his satisfaction with regard to the existence of a *prima facie* case on the basis of specific allegation made in the



complaint supported by the satisfactory evidence and other material on record.

12. In support of his aforesaid submission, learned senior counsel has relied upon the legal report of Hon'ble Supreme court as available through **GHCL Employees Stock Option Trust vs. India Infoline Ltd.** reported as **(2013) 4 SCC 505** and also in the matter of **M/s. Pepsi Foods Ltd. and Anr. vs. Special Judicial Magistrate & Ors.** reported as **AIR 1998 SC 128.**

13. Arguing further, Mr. Ansul submitted that to constitute an offence of defamation a person must have made imputation *qua* complainant, with either an intention or knowledge or reasons to believe that such imputation will harm the reputation of the complainant. A bare perusal of the material available on record is safe to suggest on its face that there was no imputation made by the present petitioners and the filing of present criminal case by O.P. No.2 is only to settle his narrow political point as to please Sri Nitish Kumar (the Chief Minister of



Bihar) and, therefore, he dragged the present petitioners through present criminal complaint without any occasion, which does not appears supported in view of settled legal principles.

14. It is further submitted that the object to file the present complaint is to suppress the truth that O.P. No.2 had not held meeting with 12 legislators in order to support a different political formation. The aforesaid fact has been ascertained by the petitioners to their credible sources, which was also supported by different news reporters. The meeting with these 12 legislators is no longer in dispute, which was discussed and debated in the aforesaid news item and, therefore, the assertion that the O.P. No.2 has held a meeting with 12 legislators cannot be considered to be imputation, which ruins the reputation or was within the knowledge of the petitioners i.e. it would ruin the reputation or harm the reputation of the Opposite Party No.2.

15. It is further submitted that from the factual aspects of this case, no *prima facie* case is made out



against these petitioners and it is covered by guideline Nos. (i), (iii) and (vii) of **State of Haryana vs. Bhajan Lal** reported as **1992 Suppl. (1) SCC 335**, which are reproducing hereinbelow:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only



a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

16. Arguing further by Mr. Ansul, learned senior counsel that continuance of the present proceedings besides abuse of the court is also amounting to interference on the petitioners’ right guaranteed and protected under Article 19(1)(a) of the Constitution of India, which cannot be whittled down by filing the baseless criminal complaint as present.

17. In support of his submission, Mr. Ansul has relied upon the legal report of Hon’ble Supreme Court as



available through **Indibly Creative Private Limited vs. Government of West Bengal** reported as **(2020) 12 SCC 436**, where in para 50 held as under:-

“50. The freedoms which are guaranteed by Article 19 are universal. Article 19(1) stipulates that all citizens shall have the freedoms which it recognizes. Political freedoms impose a restraining influence on the State by carving out an area in which the State shall not interfere. Hence, these freedoms are perceived to impose obligations of restraint on the State. But, apart from imposing "negative" restraints on the State these freedoms impose a positive mandate as well. In its capacity as a public authority enforcing the rule of law, the State must ensure that conditions in which these freedoms flourish are maintained. In the space reserved for the free exercise of speech and expression, the State cannot look askance when organized interests threaten the existence of freedom. The State is duty-bound to ensure the prevalence of conditions in which of those freedoms can be exercised...”

18. Travelling further to his argument, it is submitted by Mr. Ansul, that the O.P. No.1 is duty bound to ensure the freedom guaranteed and protected by Article 19 of the Constitution of India as available to petitioners. The present criminal complaint is nothing but to muffle the journalistic voices of the country and to restrain them from placing the correct factual narrative before the public at large.

19. Arguing further, it is submitted that the



statements recorded under Section 200 of the CrPC mandate that a Magistrate will examine the complainant and other witnesses present. It is, therefore, the obligation of the Magistrate to record the statement of the witnesses. A complainant's lawyer cannot participate in the said process. Therefore, the entire foundation on the basis of which the impugned summoning order has been passed is without any basis and is completely non-est. This position of law is approved by the judgment of Division Bench of the Karnataka High Court in case of **Naganagouda Veerangaouda Patil vs. Malatesh H. Kulkarni** reported as **1998 CrL.L.J. 1707**, where the Hon'ble Division Bench has recorded in para-7 as under:-

“7. It is in this context that we uphold the submission canvassed on behalf of the petitioners that where the section clearly prescribes that the examination of the complainant and witnesses shall be done by the Court, that it would be a breach of the provisions of the section if this duty were to be carried out by the complainant's learned Advocate. Such a step is contra-indicated for an additional reason in so far as it would bodily reproduce the complaint in the examination-in-chief and thereby contribute to the process of misleading the Court in those of the cases where a deliberate attempt at window dressing has been undertaken. It would run contra to the legislative intent which is directed towards affording the Court a free hand in scrutinising and verifying the genuineness and the correctness of the complaint and would



therefore have no legal sanction. More importantly, it would result in a situation of grossly over-burdening the forum because the section does not provide for an elaborate examination-in-chief which would be extremely time consuming and burdensome to the Court which is required to record all that material particularly in many instances where the evidence is hand-written."

20. It is further submitted that in present case, the testimony of the complainant and his witnesses were recorded by his lawyer. In the last paragraph, the court has recorded his evidence on the basis of the court questions, which is contrary to aforesaid settled principles of law. It is also submitted that the present petitioner resides beyond the jurisdiction of the court of learned Magistrate and, therefore, there is need to conduct an inquiry in terms of Section 202 of the CrPC.

21. It is submitted that the non-compliance of the provisions as available under Section 202 of the CrPC also makes the impugned cognizance order bad in the eyes of law. It is further submitted that the learned Jurisdictional Magistrate has also failed to appreciate the provision of Section 7 of the Press Act.

22. Summing up the argument, it is submitted



by Mr. Ansul, learned senior counsel that the impugned order is bad in the eyes of law for the following reasons:-

(i) the impugned order is not reasoned order and material surfaced during enquiry does not make out any *prima facie* case against petitioners for offences u/s 500 and 120-B of the IPC;

(ii) as petitioner no.2 lives outside the jurisdiction of the court, therefore, the non-compliance of Section 202 of the CrPC also made impugned cognizance order bad in the eyes of law;

(iii) it is amounting to suppress the constitutional right of freedom of speech of print and electronic media, considered as fourth pillar of democratic set up of our country.

23. As no *prima facie* case for defamation is made out against petitioners therefore, impugned order of cognizance dated 02.04.2024 be quashed/set aside in view of the aforesaid legal discussions and in particular the ratio settled in **Bhajan Lal case** (supra).



ARGUMENT ON BEHALF OF O.P.**No.2/COMPLAINANT:**

24. Mr. Gopal Singh, learned counsel, appearing on behalf of O.P. No.2, while opposing the present petition submitted that the present quashing petition has been filed by two out of six accused only, which appears *prima facie* a ploy to split the challenge with intent to escape culpability and liability. It is submitted that the petitioners has challenged only the summoning order and not the cognizance order and, therefore, it appears that they have accepted the cognizance order as passed by the learned Jurisdictional Magistrate.

25. The learned counsel appearing for O.P. No.2 submitted that the cognizance is the act of taking judicial notice of the offence and not the offender. The garb of assailing the summoning order without even challenging the cognizance order, the petitioners are trying to scuttle the law on quashing and attempting to evade criminal proceedings by invoking the inherent jurisdiction of the Hon'ble Court. The petitioners have



admitted their role in the management of a company and also the commission of a offence, which *prima facie* suggests a criminal conspiracy on their part. Hence, this petition deserves to be dismissed.

26. It is submitted that as the cognizance order said that it was taken for the offence punishable under Section 500A of the IPC but, as said section is non-existent, hence, it is nothing but a typographical error therefore plea *qua* wrong cognizance is not worthy to consider. Therefore, any plea as to quash the petition on the basis of typographical error is not only untenable but also pre-posterous particularly, when the remedy is available under Section 362 of the CrPC and moreover a substantial justice cannot be denied on the basis of typographical error if the balance of the case is otherwise convincing in favour of complainant/O.P. No.2. In support of his submission, learned counsel relied upon the legal report of **Arvindra Kumar and Anr. vs. State of U.P. & Ors.** as reported in **2023 SCC Online All 1930**, where the Hon'ble High Court of Allahabad disposed of the



petition seeking quashing of the cognizance order on a note that the incorrect penal provisions mentioned in the cognizance order *prima facie* appears to be the result of a typographical error.

27. Arguing further, Mr. Singh submitted that quashing of criminal trials at initial and nascent stage is well-established and needs to be elucidated, except to reiterate that courts are loathe to do so. Quashing is abhorred and a narrow exception which can be culled out from the series of judgments pronounced over time by the Hon'ble Apex Court.

28. In support of this submissions, Mr. Singh has relied upon the legal report of Hon'ble Supreme Court as available through **Neeharika Infrastructure Private Limited vs. State of Maharashtra** as reported in **(2021) 19 SCC 401**.

29. It is further submitted in this context that this High Court itself after evaluating the law on the subject, by its judgment and order dated 17.07.2023 in the matter of **Ugrasen vs. CBI** in **Criminal Misc.**



No.14016 of 2013 has held that while exercising the power under Section 482, the Court is not to conduct a mini-trial.

30. It is further submitted by learned counsel that the Hon'ble Supreme Court in the matter of **Satvinder Kaur vs. State (Government of NCT of Delhi)** as reported in **(1999) 8 SCC 728** held that "under Section 482 CrPC to quash and FIR or a complaint, the High Court would have to proceed entirely on the basis of the allegations made in the complaint or the documents accompanying the same per se; it has no jurisdiction to examine the correctness or otherwise of the allegations".

31. It is pointed out that the petitioners have made no averments as public good can be achieved through defamatory contents. Moreover, the exceptions to the offence of defamation being a factual defence cannot be raised at this stage.

32. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Central Bureau of**



Investigation vs. Aryan Singh, etc. as reported in **2023 SCC OnLine SC 379**, where it has been held that “submission of defences is to be considered during trial and cannot be evaluated by the quashing court by conducting a mini-trial”.

33. In support of his submission, Mr. Singh has relied upon the legal report of Hon’ble Delhi High Court in the matter of **Rakesh Sharma vs. Mahavir Singhvi** as reported in **(2008) 104 DRJ 402**, where the Hon’ble Court has pleased to dismiss a similar petition under Section 482 of the CrPC seeking quashing of the order of the trial court taking cognizance of a complaint under Sections 500, 211 and 120-B IPC. It has further been held that ingredients of defence under exceptions to Section 499 can at best be tested during the trial.

34. Mr. Singh while arguing further submitted that this quashing petition is to be dismissed further on the ground of concurrent jurisdiction, as revisional remedy is available for petitioners against the impugned order under Section 397 of the CrPC itself.



35. In this context, it is pointed out that Hon'ble Supreme Court in the matter of **Prabhu Chawla vs. State of Rajasthan and Anr.**, as reported in **(2016) 16 SCC 30** has affirmed that though the presence of an alternate remedy will not act as a total bar against the exercise of power under Section 482 CrPC, the same should be exercised sparingly as "not that there is absence of jurisdiction but that inherent power should not invade areas set apart for specific power under the same code".

36. Submitting further Mr. Gopal Singh, learned counsel pointed that law on corporate criminal liability is no more *res-integra*. The petitioners have complete control over the affairs of the new channel and the publication of the defamatory material. The petitioners have acted with *mala fide* intent. In support of his submission, he relied upon the legal report of Hon'ble Supreme Court as available through **Religare Finvest Ltd. vs. State (NCT of Delhi)** as reported in **(2024) 1 SCC 797**.



37. In this context, Mr. Singh further relied upon the legal report of Hon'ble Supreme Court as available through **Shiv Kumar Jatia vs. State (NCT of Delhi)** as reported in **(2019) 17 SCC 193** and also on **Sunil Bharti Mittal vs. CBI** as reported in **(2015) 4 SCC 609**.

38. Mr. Singh while opposing the petition further submitted that the submissions as raised by learned counsel appearing for the petitioners that the complaint against them is not maintainable, as no imputations made by them is untenable and has been made in ignorance of the scope of Section 499 IPC for the reason that petitioners are directly responsible for the publications and the ultimate beneficiaries of the defamatory content against the answering respondents. As apparent from their admissions, the petitioners are at the helm of affairs and cannot evade responsibility.

39. It is pointed out that the entire substratum of the case of the complainant (O.P. No.2) is that the complainant had not held a meeting with 12 legislators in



order to support a different political formation but, the fact has been ascertained by the petitioners through their credible sources. This averment binds both the petitioners and also suggest *prima facie* that the petitioners were not only aware of but, also actively involved in the publication of the defamatory contents.

40. It is pointed out that the petitioners in reply dated 15.01.2024 answering the legal notice of O.P. No.2, admitted that channel “Aaj Tak” is not a legal entity and merely a brand name, which is owned and operated by T.V. Today Network Limited. The petition itself suggest that petitioner no.2 is the Chairman and whole time Director of petitioner no.1 and, thus, by taking policy and operational decision of petitioner no.1 and thus, for publication through concerned channel, the petitioner no.2 is directly responsible for publication of the defamatory contents. The reply of his legal notice itself suggests that the communication of defamatory contents was in the knowledge of petitioner no.2 and it was broadcasted through T.V. channel with his consent only.



41. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **K.M. Mathew vs. K.A. Abraham and Ors.**, reported as **(2002) 6 SCC 670**, where the Hon'ble the Apex Court has refused to quash the criminal defamation proceedings against the Managing Editor/Chief Editor/Resident Editor, rejecting the argument that only the editor of the defamatory publication can be held liable. It was held that the person responsible for publishing the defamatory material is a matter of evidence in each case. A narrow approach at the stage of quashing may render the complainant without any remedy to redress his grievance against the real culprit. The present quashing petition seeking quashing also falls within the same category and on the basis of aforesaid settled legal ratio, same deserves to be dismissed at the outset.

42. Taking note of the factual aspects of the case of the O.P. No.2/complainant, it is submitted by Mr. Singh that this is not a case of "vicarious liability" rather it



is a case of “constructive liability”, which can be ascertained during the course of trial only.

43. Arguing further, it is submitted by learned counsel appearing for O.P. No.2 that it is a trite law that at the stage of issuance of process, the Magistrate is only required to apply his mind but not expressly record the reasons for issuance of summons. In support of his submission, learned counsel relied upon the legal report of Hon’ble Supreme Court as available through **Bhushan Kumar and Anr. vs. State (NCT of Delhi) and Anr**, as reported in **(2012) 5 SCC 424**, where it has been held that the order passed by the Magistrate could not be faulted on the ground that the summoning order was not a reasoned order.

44. In the background of aforesaid legal submissions, coming again to the factual aspects of this case, Mr. Singh submitted that petitioner No. 2 is undeniably in-charge of the affairs of the Company, which is exclusively doing the broadcasting business of the news. It is not the case of the petitioner that it carries out



multiple business activities. It is submitted that company is in the business of news broadcasting and its working director controls the entire activity since news broadcasting is the core activity of the company. It is submitted that if the contention of petitioner no. 2 is accepted then he would never be liable for any act and omission of his company since none of the complainants would have any means to know the exact role played by him in the commission of the offence in connivance with other employees of his company.

45. Learned counsel further submitted that the criminal law is based on the principle of knowledge, intention and action. Petitioners have not denied and cannot deny that the defamatory news was aired knowingly and intentionally and the Company/its Director had full knowledge of the same since they have admitted that they have got the information from credible sources. The only remedy available to them is to prove the defence available for the offence of defamation which can be done only during trial.



46. In this context, it is submitted further that another equally salutary principle of criminal law is that of wrongful loss and wrongful gain. Sequence of events, as they have unfolded in the natural course has established that petitioners undeniably got false information for the 'so called breaking news and higher TRP or advertisements due to which they got wrongful gain. Resultantly, the complainant has suffered a wrongful loss on account of illegal actions of the accused persons, for which they have no remorse, knowing well the incalculable harm, loss and injury caused to the complainant-answering respondent. It is submitted that the defect in advertisement, putting the wrong photograph during news broadcasting, and incorrect scrolling of some minor details will not stand on the same footing when a larger conspiracy is alleged for an act having a huge political ramification. The complainant has been a Minister, Parliamentarian, National President of a recognized Political Party in power in the State of Bihar, a key person at the relevant point of time. The accused person cannot



say that the defamatory and false news has been aired without his active collusion, connivance, conspiracy, knowledge and command.

47. Learned counsel for the opposite party no. 2 submitted that petitioners have abused their journalistic position, standing and sizeable viewership of "AajTak." a TV news channel operated by them and have published and disseminated false, fabricated and defamatory stories which have grave adverse political consequences against the complainant-answering respondent. The story, being given a colour of a sensational news, is patently false, as is borne out from the turn of political events. Instead of acknowledging their lapse (which is not bonafide) and being remorseful and apologetic about the same and thereafter publishing a corrigendum and apology, the petitioners are trying to justify the same on the fictitious basis that it is based on truth. This defence is not available at the stage of quashing but only during the course of trial. The petitioners have scandalised the answering respondent/O.P. No.2 through their defamatory acts,



increased their viewership and TRP ratings (also known as increased "eye-balls") and in the process made wrongful gains and caused wrongful loss to the complainant-answering respondent/O.P. No.2.

48. While arguing further, it is submitted that the answering respondent has been a prominent political figure over a long period of time in the field of politics, about which the accused were aware. Currently, he is also a Minister in the Union Cabinet. The accused/petitioners ran a concocted and scandalous political propaganda story which has lowered the name, fame and reputation of the complainant in the eyes of his political supporters and also right-thinking people. Being aggrieved by such scandalous and defamatory act of the accused, the answering respondent has initiated criminal proceedings against the petitioners and four other co-accused persons for the offence of defamation.

49. It is pointed out by learned counsel for the O.P. No. 2 that despite admitting that "Aaj Tak" is not a legal entity and is merely a brand name which is owned



and operated by “T.V. Today” Network Limited, petitioners are trying to evade liability by claiming that no imputation was made by them conveniently glossing over the fact that Petitioner No. 2 is at the helm of affairs of Petitioner No. 1 and is the direct beneficiary of advantages accruing out of the defamatory publication. The petition misrepresents this to be a case of vicarious liability despite admitting that Petitioner No. 2 "takes policy decision in relation to his role." The extent of his involvement in the publication of defamatory content requires closer scrutiny, which shall emerge only during trial, where both sides would have the benefit of testing veracity of evidence through detailed cross-examination.

50. Learned counsel, in this context, submitted that the correctness of the complaint and the trustworthiness of the witnesses are matters of trial and cannot be raised at this stage where trial has not even commenced. On a bare perusal of the complaint and statement of witnesses examined in the course of the inquiry, a *prima facie* case is made out against the



petitioners. The petitioners' stance that the complaint does not make out the specific role played by each and every accused is completely untenable. The criminal act of defamation has been committed jointly by all the accused in conspiracy with each other. Their joint and composite efforts have constituted the offence. It is submitted that the reputation of a person is an inseparable element of his/her personality and cannot be allowed to be tarnished in the name of the right to freedom of speech and expression as the same does not mean the right to offend or disparage. The right under Article 19(1) is subject to reasonable restrictions under Article 19(2) *inter alia* in relation to defamation.

51. Mr. Singh, learned counsel further submitted that the petitioners in contravention of fundamental principles of responsible journalism have published fabricated and defamatory material against the answering respondent. The legally binding "Norms of Journalist Conduct, 2022" as approved by the Press Council of India, stipulates that "Publishing news without any material even



to *prima facie* substantiate the news item with a view to malign a person constitute an act of omission and commission." Furthermore, the norms direct against the publication of reports stemming from gossip/roving enquiry.

52. While concluding argument, Mr. Gopal Singh submitted that the judgment of **Bhajan Lal case** (supra) is not helping the petitioners in present factual scenario, as complaint expressly states that the petitioners have conspired with other accused to publish the defamatory material against the complainant. The petitioners have admitted the publication of defamatory materials and their active involvement in the same and, therefore, the plea that the complaint is *mala fide* is completely baseless, as the O.P. No.2/complainant has suffered a lawful loss of reputation because of the petitioners, which cannot be compensated in any monetary terms. It is submitted that from bare perusal of the complaint, it cannot be said that no case is made out against the petitioners and, therefore, the impugned



cognizance taking order dated 02.04.2024 for the offences punishable under Section 500 (500A appears wrongly typed) and 120-B of the IPC against the petitioners is not bad in the eyes of law and same do not require to be interfered while entertaining the present quashing petition.

53. While defending the impugned order of cognizance dated 02.04.2024, Mr. P.K. Shahi, learned Advocate General, Government of Bihar and Mr. Jharkhandi Upadhyay, learned APP submitted that the submissions as raised by learned counsel appearing for petitioners can be looked into only during the trial and any such consideration at this stage would only amount to mini-trial of the case, which is not permissible as per established principle of law.

CONCLUSION:-

54. It would be apposite to reproduce the impugned cognizance order dated 02.04.2024 for better understanding of the case, which is as under:-

“ कोर्ट नंबर-35

न्यायालय-मुख्य न्यायिक दण्डाधिकारी, पटना।



Complaint Case No-2540(C)2024

02.04.2024 परिवादी की ओर से हाजरी दी गई है। अभिलेख आदेश हेतु प्रस्तुत किया गया। सम्मन के बिन्दु पर सुना गया। अभिलेख का अवलोकन किया। यह वाद परिवादी राजीव रंजन सिंह उर्फ ललन सिंह के द्वारा अभियुक्तगण 1.T.V. Today Network Ltd., 2.India Today Group India Today, 3. Mr. Aroon Purite, 4.Mr. Aroon Purie, 5.Chitra Tripathi, 6.Rohit Kumar के विरुद्ध भा0द0वि0 की धारा 500ए,120(B)(2) के अंतर्गत दर्ज किया गया है। परिवादी का शपथ पर ब्यान संक्षेप में यह है कि यह केस परिवादी टी0वी0 टूडे नेटवर्क लिमिटेड आज तक और इंडिया टूडे ग्रुप इनके चेयरमैन और डायरेक्टर अरूण पुरी, चित्रा त्रिपाठी एंकर, रोहित पटना के ब्यूरो चीफ के विरुद्ध किये है। घटना दिनांक 29.12.2023 की है। दिनांक 29.12.2023 के बैठक में परिवादी अपने पार्टी का राष्ट्रीय अध्यक्ष था और उस बैठक में अपने पद से त्याग-पत्र देकर वर्तमान मुख्यमंत्री श्री नितिश कुमार जी का पद सौंपने वाला था और यह निर्णय उनकी सहमति से और परिवादी के स्वेच्छा से लिया गया था, लेकिन टी0वी0 टूडे नेटवर्क का आजतक चैनल और इंडिया टूडे ग्रुप के सभी चैनल और विशेष कर आजतक चैनल एक झूठा, तथ्यहीन और भ्राम्य न्यूज यह चलाया गया कि परिवादी राष्ट्रीय जनता दल के नेता लालू प्रसाद यादव से मिल गये हैं और परिवादी को यह ऑफर मिला कि परिवादी राज्यसभा चला जाएं, बिहार में मंत्री बन जाए और इसके लिए परिवादी दस-बारह विधायक की एक गुप्त बैठक की ताकि नितिश कुमार जी के स्थान पर श्री तेजस्वी प्रसाद यादव को मुख्यमंत्री बनाया जाए। ये सारे समाचार जो प्रकाशित हुए यह तथ्यहीन थे। परिवादी और नितिश कुमार जी का रिश्ता 37 वर्ष पुराना है, जिस पर प्रश्न चिन्ह खड़े किए गए। उनके इस समाचार से पूरे देश और प्रदेश में परिवादी के जानने वाले लोग थे उनमें एक संदेश गया और परिवादी का चेहरा खलनायक के रूप में प्रस्तुत किया गया। परिवार, समाज, वोटर्स और अन्य समाज से परिवादी को फोन आया कि आप यह कैसे कर सकते हैं। परिवादी की स्थिति ऐसी थी कि जैसे परिवादी एक बहुत बुरा आदमी है और ऐसा लग रहा था कि जिसके साथ परिवादी 37 साल से रिश्ता था, उसमें गद्दारी किए। परिवादी की छवि धूमिल हो गई। घटना के दिन परिवादी और माननीय मुख्यमंत्री श्री नितिश कुमार दिल्ली में एक मीटिंग में व्यस्त थे। परिवादी वकालतन नोटिस भेजा और उनसे आग्रह किया कि या तो आप अपने न्यूज को सत्यापित करे और नहीं तो क्षमा मांग लिजिए। उनका जवाब आया कि हमलोग बड़े न्यूज चैनल है। परिवादी का कोई भी विधायक के साथ मीटिंग नहीं हुआ था। अपने उत्तर में न्यूज ग्रुप ने न ही सत्यापित किया



और न ही क्षमा मांगा। इसलिए मजबूर होकर परिवादी ने यह मुकदमा दायर किया क्योंकि परिवादी की मानहानि हुई और छवि धूमिल हुई। परिवादी का जनता के सामने छवि को धूमिल किया गया। पूरा समाचार परिवादी की छवि धूमिल करने के उद्देश्य से ही प्रकाशित किया गया। साक्षी संख्या 01. रामानंद मंडल, 02. सौरभ निधि का साक्ष्य अंकित कराया गया है। जिन्होंने परिवादी का समर्थन किया है।

परिवादी के परिवाद पत्र, शपथ पत्र पर ब्यान एवं जांच साक्षियों का साक्ष्य हुआ है। परिवादी के अनुसार न्यूज चैनल पर ऐसी खबर प्रकाशित की गयी तथा बार-बार प्रकाशित की गई जिससे लोगों की दृष्टि में उनकी छवि धूमिल हुई उनकी मान-हानि हुई। लोगों ने उनसे प्रश्न पूछना प्रारंभ कर दिए कि वह ऐसा क्यों कर रहे हैं जबकि वह खबर तथ्यहीन है। परिवादी ने कोई ऐसी मितिंग नहीं किया अपितु उक्त तिथि पर वह स्वयं मुख्यमंत्री के साथ ही थे। ऐसी परिस्थिति में परिवादी के परिवाद पत्र शपथ पर बयान एवं साक्षियों के साक्ष्य के आधार पर परिवाद पत्र में नामित अभियुक्तगण 1.T.V. Today Network Ltd., 2.India Today Group India Today, 3. Mr. Aroon Purite, 4.Mr. Aroon Purie, 5.Chitra Tripathi, 6.Rohit Kumar के विरुद्ध भा0द0वि0 की धारा 500ए,120(B)(2) के अंतर्गत प्रथम दृष्ट्या मामला पाया जाता है। उनके विरुद्ध आगे की कार्यवाही किये जाने हेतु पर्याप्त आधारअभिलेख पर उपलब्ध है। अतः परिवाद पत्र के नामित अभियुक्तगण 1.T.V. Today Network Ltd., 2.India Today Group India Today, 3. Mr. Aroon Purite, 4.Mr. Aroon Purie, 5.Chitra Tripathi, 6.Rohit Kumar के विरुद्ध भा0द0वि0 की धारा 500ए,120(B)(2) के अंतर्गत सम्मन निर्गत करने का आदेश दिया जाता है। परिवादी दो सप्ताह के भीतर आपेक्षिकाएं दाखिल करें। कार्यालय लिपिक उसे निर्गत करे। परिवाद वाद श्री धनंजय पांडेय, न्या0दण्डा0 प्र0 श्रेणी के न्यायालय में स्थानांतरित किया जाता है। दिनांक 02.05.2024 को अभिलेख प्रस्तुत करे।”

55. It appears that the law which is involved in the present quashing petition are available under Sections 499, 500 and 120-B of the IPC, which are re-produced hereinbelow for the sake of convenience for better



understanding of position of law:-

“**499. Defamation.**—Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1.— It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.— It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.— An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.— No imputation is said to harm a person’s reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

- (a) A says— “Z is an honest man; he never stole B’s watch”; intending to cause it to be believed that Z did steal B’s watch. This is defamation, unless it fall within one of the exceptions.
- (b) A is asked who stole B’s watch. A points to Z, intending to cause it to be believed that Z stole B’s watch. This is defamation unless it fall within one of the exceptions.
- (c) A draws a picture of Z running away with B’s watch, intending it to be believed that Z stole B’s watch. This is defamation, unless it fall within one of



the exceptions.

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.

Third Exception.— **Conduct of any person touching any public question.**— It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending a such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharges of the duties of which the public is interested.

Fourth Exception.— **Publication of reports of proceedings of Courts.**— It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings.

Explanation.— A Justice of the Peace or other officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception.— **Merits of case decided in Court or conduct of witnesses and others**



concerned.— It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says—“I think Z’s evidence on that trial is so contradictory that he must be stupid or dishonest”. A is within this exception if he says this in good faith, in as much as the opinion which he expresses respects Z’s character as it appears in Z’s conduct as a witness, and no further.

(b) But if A says—“I do not believe what Z asserted at that trial because I know him to be a man without veracity”; A is not within this exception, in as much as the opinion which he express of Z’s character, is an opinion not founded on Z’s conduct as a witness.

Sixth Exception.— Merits of public performance.— It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation.— A performance may be substituted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing in the judgment of the public.

(d) A says of a book published by Z— Z’s book is foolish; Z must be a weak man. Z’s book is indecent; Z must be a man of impure mind”. A is within the



exception, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z’s character only so far as it appears in Z’s book, and no further.

(e) But if A says— “I am not surprised that Z’s book is foolish and indecent, for he is a weak man and a libertine”. A is not within this exception, in as much as the opinion which he expresses of Z’s character is an opinion not founded on Z’s book.

Seventh Exception.— Censure passed in good faith by person having lawful authority over another.— It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a school-master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier—are within this exception.

Eighth Exception.— Accusation preferred in good faith to authorised person.— 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 accusation.

Illustration

If A in good faith accuse Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z’s master; if A in good faith complains of the conduct of Z, and child, to Z’s father—A is within this exception.



Ninth Exception.— **Imputation made in good faith by person for protection of his or other’s interests.**— It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business— “Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty”. A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report of his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Tenth Exception.— **Caution intended for good of person to whom conveyed or for public good.** — It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

“500. Punishment for defamation.— Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

“120-B. Punishment of criminal conspiracy.-(1) Whoever is a party to criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall where no express provision is made in this Code for the punishment of such a conspiracy be punished in the same manner as if he had abetted such offence.
(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.”

56. It would further be apposite to reproduce



the news items, which is the calyx of the present complaint case, out of which cognizance was taken by the learned Chief Judicial Magistrate, Patna for the offences punishable under Sections 500 (wrongly typed 500A) and 120-B of the IPC, which are subject of present quashing petition:-

“TRANSCRIPTION BETWEEN CHITRA TRIPATHI, SEHNAWAZ HUSSAIN, ACHRYA JI AND SOME OTHER PERSONS:-

TIME DURATION 15 MINUTE TO 30 MINUTES

शहनवाज:- प्रधानमंत्री जनता दल का जो ऑफिस ही उसपे बड़ा सा पोस्टर लगा था हम लोगों के अलग होने के बाद की बिहार में क्या है देश में करेंगे और बिहार में क्या है देश में करेंगे।

चित्रा:- आज भी लगे ही पोस्टर में लौट रही हूं आपके पास एक बड़ी खबर आ रही है उसके बाद आप अपनी बात को पूरी कीजिएगा ललन सिंह को हटाने के रुख से नाराज थे नीतिश कुमार तेजस्वी को सी.एम. बनाना चाहते थे ललन सिंह नितिश ने ललन सिंह का प्रस्ताव ठुकरा दिया था ओर जदयू के 12 विधायक की गुप्त मिटिंग भी हुई थी बड़ी खबर ही इस वक्त की नितिश को बिना बताये विधायकों की बैठक हुई थी ललन सिंह को तेजस्वी को सी.एम. बनाने का पूरा पूरा प्लान था और ललन सिंह को जदयू की तरफ से राज्य सभा भेजने की चर्चा थी रोहित सिंह पत्रकार ही हमारे साथ जुड़ चुके ही रोहित ये तो खेला करने की बड़ी तैयारी थी नितिश कुमार के खिलाफ किसी तरह ये बात नितिश कुमार पता लग गयी और ये बदलाव हुआ है क्या जानकारी मिल रही है।

रिपोर्टर:- जी देखिए चित्रा जो हमे जानकारी मिल रही है ठीक उसी तरीके से हुआ जो आर.सी.पी सिंह के साथ हुआ था- 8 महीने पहले आर. सी.पी. सिंह के उपर आरोप लगे कि वो पार्टी को तोड़ना चाहते थे और बीजेपी में शामिल होना चाहते थे और भनक लग गयी थी नितिश कुमार को फिर उन्होंने कार्यवाही करी और फिर सरकार से अलग हुये और एक जो जानकारी मिल रही है कि पुरे मामले में डील हुयी थी लालू प्रसाद और ललन सिंह के बीच जिसमें तेजस्वी यादव को मुख्य मंत्री बनाने का पूरा मतलब प्लान था और जो जानकारी मिल रही थी कि ललन सिंह ने प्रस्ताव रखा था नितिश कुमार के सामने की वो काफी दिन से मुख्य मंत्री ही तो मुख्यमंत्री पद तेजस्वी यादव को सौंप दिया जाये इसके लिये नितिश तैयार नहीं हुये उसके बाद प्लान बी पर काम करना शुरू किया



गया और ये प्लान दरसल ये था कि ललन सिंह 10-12 विधायक जदयू के तोड़ेंगे और उसके बाद उनको शपथ दिलवाया जायेगा मंत्री के तौर पर क्यों कि वो राष्ट्रीय अध्यक्ष भी थे और अगर वो सिटिंग पार्टी से निकाल देते तो उन विधायकों की अध्यक्षता नहीं जाती पर केवल वो अनअटैच मेम्बर बन कर रह जाते और केवल 7 विधायकों की जरूरत और थी तेजस्वी यादव को सरकार बनाने के लिए जदयू अगर हम जदयू की संख्या कम कर दे तो 115 अभी तेजस्वी यादव और एलायेन्स पार्टी +अगर।

चित्रा:- ये 12 विधायक कौन कौन से थे जिन्होंने नितिश कुमार के खिलाफ जाकर मिटिंग करी थी उनके बारे में कोई जानकारी मिल पायी है क्या और ये मिटिंग कब हुई थी रोहित।

रिपोर्टर:- देखिए अभी कुछ हफ्ते पहले मिटिंग हुई थी हालांकि नामो के बारे में अभी खुलासा नहीं हुआ है लेकिन जब ये प्लान बन रहा था उसके बाद डी हुई थी और उसके तहत तेजस्वी यादव को मुख्यमंत्री बनाने का काम ललन सिंह का था और उसके बदले ललन सिंह राज्य सभा आरजेडी भेज सकती था क्योंकि ललन सिंह नहीं चाहते थे कि इस बार वो लोक सभा इलेक्शन मुंगेर से लड़े क्यों कि उनको लगता है वो इस बाद हार सकते ही इसलिए वो सिर्फ साथ चाहते थे राज्य सभा की ओर इसी साल मनोज झा जो आरजेडी से राज्य सभा संसद ही उनका टर्म खत्म होने वाला ही तो इस बाद की कयास लगायी जा रही थी कि इस बाद मनोज झा की जगह पर ललन सिंह को लालू यादव भेज सकते ही राज्य सभा अगर तेजस्वी यादव को मुख्यमंत्री बना दिया जाता तो ये जो एक सुत्रों से हमें जानकारी मिल रही है तो ये पुरे के पूरे प्लान की जानकारी ही नितिश कुमार को लग गयी थी एक विधायक जो उस मिटिंग में शामिल था उसने जो ये प्लान लीक कर दिया और जिसके बाद नितिश कुमार एक्टीव हो गये और उसके बाद ऑपरेशन ललन पर उन्होंने काम करना शुरू कर दिया।

चित्रा:- नहीं रोहित ये तो देखिए ये तो पार्टी क खिलाफ नितिश के खिलाफ ये तो सबके खिलाफ बगावत हो गयी एक तरफ से अपनी ही पार्टी जिसको आज जित कर आते हो ओर दुसरी पार्टी के सदस्य को मुख्यमंत्री बनाने के लिए अगर नितिश कुमार को सारी बात पता थी और पता लग गयी और उनके पास प्रमाण था ललन सिंह से खतरा था तो एक्शन क्यों नहीं लिया मतलब ललन सिंह पर एक्शन क्यों नहीं लिया ललन सिंह ने प्रस्ताव रखा की भैया आप बन जाये अध्यक्ष पर ललन सिंह नहीं माने अध्यक्ष पद नहीं रहे पूरा स्केन कियेट किया गया इसकी क्या जानकारी थी नितिश कुमार को।

रिपोर्टर:- देखिये चित्रा बहुत सारी चीजे आनी रहती है अब परदे के पीछे से पूरा स्केन पता नहीं चल रहा था ललन सिंह और लालू प्रसाद की करिबिया थी वो पिछले कुल महिनो से जो थी जो भी पटना और बिहार में था उनको मालूम था कि लालू प्रसाद और ललन सिंह के बीच में जनदीकिया बढ रही थी और ये बात नितिश कुमार को नागवार गुजर रही थी और जब उनको गुप्त बैठक के बारे में जानकारी हुयी कि ललन सिंह पार्टी के खिलाफ काम कर रहे और दूसरी पार्टी बनाना चाहते थे और इस



ऑपरेशन की शुरुआज की और ये गिभन टेकन थी क्योंकि लालू चाहते थे कि तेजस्वी मुख्यमंत्री बने और ललन सिंह को राज्य सभा आरजेडी भेज सकती थी और यही बात नितिश कुमार को पता लग गयी और सी.पी. सिंह के साथ भी किया था और आखिर कर पार्टी से उनको साईडकर दिया है और देखिए जो तमाम नेता जदयू के वो साईड हो गया है।

चित्रा:- इस समय के.सी.त्यागी जो जदयू के बड़े नेता ही वो कुछ बोल रहे ही उनको सुनते हैं उसके बाद दाबत में आगे बढ़ेंगे 5 बजे प्रेस कॉफ़ेन्स की बात कही गयी थी लेकिन।

के.सी.त्यागी:- और आरजेडी हमारी मित्र पार्टी है।

चित्रा :- ये जो बड़ी बात कही गयी है उनकी और से कही गयी है अब तो बॉस खुश हो जायेंगे कि ललन सिंह तो अब तो शहनवाज जी के मन में लड्डू फुटने लगेंगे कि एक बार फिर से भविष्य में मंत्री बनने का मौका मिल सकता है शहनवाज जी।

शहनवाज:- नहीं देखिये हम तो बहुत पहले ही मंत्री बने थे हम तो 1999 में मंत्री बन गये थे तो मंत्री पद के लिए हम लोग कहन काम करते ही हम सेवा के लिए काम ही हम तो मोदी जी के सिपाही ही हमें जो ड्यूटी मिलती हैं हम वो करते ही और बिहार में भी औद्योगिक मिली थी उसमें भी हम लोग विपक्ष के लोगों से और उद्योग और रोजगार में काम हो रहा था और जरूर लगा कि जहां तक बिहार के युवा के लिए सोचा था उसमें खलल आ गया मने यह कह रहा हूं चित्रा जी नीतिश कुमार जी पहले नाराज होकर दिल्ली से गये कि उनको संयोजक नहीं बनाया पी.एम. फेस नहीं बनाया इन्डी एलान्यस से कुछ नहीं बने तो अध्यक्ष बना दिये देखिए यह सही है कि जदयू ही जो नितिश जी पार्टी ही जो जैसे बी.एस. पी. ही जो वो बहन की ही पार्टी ही अखिलेश जी की पार्टी एस.ए.पी.ए. हैं।

चित्रा:- अरे वो सब छोड़िये न आप ये बतायें कि नितिश बाबू को इधर लाने के लिए बी.जे.पी. क्या कर रही है। अन्दर की बात बताइये इतना खिला हुआ चेहरा ही है वो यूं ही नहीं इसमें जरूर कोई बड़ी बात है।

शहनवाज:- नहीं नहीं ऐसा बात नहीं है चेहरा तो खुद का बनाया हुआ होता है ये हम तो ये कह रहे हैं कि कल ही तो ललन जी कह रहे थे कि बी.जे.पी. की स्क्रीप्ट ही और आज बी.जे.पी. के स्क्रीप्ट में काम हो रहा हैं हमारी कोई स्क्रीप्ट नहीं थी और जो थी वही हो रही है।

चित्रा:- कही आप लोग ही तो सब नहीं करवा रहे हैं वो इतना बड़े लीडर ही ललन सिंह जी इतनी बड़ी बात तो हवा में नहीं बोलेंगे जी शहनवाज जी।

शहनवाज:- देखिए भारतीय जनता पार्टी का एक ही मिशन है हम 40 से 400 सीट जीतना चाहते हैं और 2025 में कमल का फूल लाया करके बी. जे.पी. का कार्यकर्ता मार्ग में जायेगा मतलब अपनी सरकार बनाने चाहते ही हमने बहुत ज्यादा देख लिया उनकी 43 सीट थी और हमारी 75 सीट थी फिर भी हमने उनको मुख्यमंत्री बनाया लेकिन अच्छा सिला दिया हमारे प्यार का।

चित्रा:- अरे तो यह तो आर.जे.डी. भी कह सकती थी कि हमारे 80 विधायक ही फिर भी हमने उनको मुख्यमंत्री बनाया फिर तो आर.जे.डी.



वाले भी लोग कहेंगे मैं आउंगी अभिषेक जी पर उससे पहले अक्षरा जी से सुन लेते ही।

शहनवाज:- आपके दाबत में नहीं खायेंगे पर ऐसा कहते है वो।

चित्रा:- अच्छा मतलब पर्दे के पीछे कहते है कि हमारे 80 विधायक है फिर भी मुख्यमंत्री बना दिया अच्छा प्रमोद किशन जी माना जा रहा है ये बहुत बड़ा फेर बदल है नितिश कुमार ने जो पार्टी के अन्दर किया है यह बहुत बड़ा संदेश देने की कोशिश है कि देखिए हमने अगर शुरुआत की थी आपलोगों को जोड़ने की तो चलेगी तो मेरी ही अक्षरा जी।

अक्षरा जी:- देखिए चित्रा जी ये इण्डिया गठबंधन को संदेश देने वाली कोई बात नहीं है तो सारी बात ये सत्ता के लड़ाई की है और नितिश जी मुख्यमंत्री बने उनके पीछे सर्वप्रथम बिहार की जनता का था वो लालू जी के विरोध के कारण उनको दी गई फिर एक समय ऐसा हुआ कि नितिश जी एनडीए के बहुत बड़े शशक्त और बड़े नेता के रूप में एनडीए के हिस्सेदार के रूप वो नरेन्द्र मोदी जी के साथ रहे अटल बाजपेयी जी के साथ रहे इनका तालमेल चल जाता फिर इन्होंने ऐसा निर्णय लिया कि घोर विराध को त्यागते हुए लालू जी के साथ दिये और उनके साथ मिलकर के सरकार बनायी अब सवाल इस बात का है नितिश जी को और इनकी पार्टी को थोड़ा सा लग रहा था कि ललन जी जो है और ललन बाबु की उचैन हवा में उड़ने वाली एक विषय ये है और दूसरे विषय है कि नितिश और लालू जी जब मिले तब तेजस्वी को मुख्यमंत्री बनाने की बात जरूर हुई होगी ऐसा मुझे मालूम भी है और मैं समझता हूं और उसके बाद इण्डिया गठबंधन।

चित्रा:- तो कांग्रेस पार्टी फिर तो तेजस्वी यादव के साथ चुनाव लड़ी थी वो भी वही चाहती होगी।

अक्षरा जी:- जी बिल्कुल लालू जी का ये सपना है और जो तेजस्वी जी को मुख्यमंत्री बनाने के लिए तैयार नहीं होगा तो लालू जी उसका साथ लेने भी नहीं और देंगे भी नहीं अब सवाल ये है कि नितिश जी को राष्ट्रीय गठबंधन में इस समय इण्डिया गठबंधन बना तो उसमें उनकी महत्वपूर्ण भूमिका थी पर उनको ठेस कब लगी उनका नाम आई.एन.डी.आई. के संयोजक के रूप में और प्रधानमंत्री के रूप में उनका नाम घोषित नहीं किया जा रहा था या नहीं किया जा पा रहा तब उनको लगा कि कहीं बिहार भी छूट जाये और प्रधानमंत्री पद के उम्मीदवार भी ना बन पाये हम तब ये फैसला लिया गया और ये कोई बुरी बात नहीं है। राजनीति में ये सब चलता है और राजनीति में ये सब चलता रहेगा। क्योंकि ये खेल ही ऐसा है लेकिन कभी कभी घोर विरोधी गठबंधन हुये थे उसमें हैरानी का विषय है जैसे एस.पी. और बी.एस.पी. मिले थे हैरानी हुई टी.डी.पी. और बी.जे.पी. मिले हैरानी हुई और ऐसा ही जैसे हमलोग शिवसेना के साथ मिले तो हैरानी हुई।

चित्रा:- अरे लेकिन नितिश जी के साथ मिलने पर हैरानी नहीं होती है ना हम सभी को पता है कि शहनवाज जी भी वेलकम करने को तैयार रहते है और इधर आर.जे.डी वाले भी दामन पकड़कर तैयार रहते है भैया जाना नहीं है कुछ भी हो जाये तो नितिश कुमार जी के साथ स्थिति है ना कि



दोनों हाथों में लड़दू में।

अक्षरा जी:- शहनवाज हुसैन साहब के दानों हाथ में लड़दू ही नहीं तो चित्रा जी मैंने भी वही बात कहीं और अपने शहनवाज जी के दोनों हाथ में लड़दू है।

चित्रा:- कैसे।

अक्षरा जी:- अगर सरकार गिरती है तो भी लड़दू है और नीतिश जी इण्डिया गठबंधन से अलग होते ही तो भी लड़दू है इण्डिया गठबंधन जितना कमजोर होगा उतना इनकी पार्टी खुश होगी अब सवाल तो यह है कि लड़ाई हमारी अन्दर की है और अब बी.जे.पी. कैसे दोष दे सकते हैं और अगर बी.जे.पी. का दूर से ही फायदा हो रहा है अगर नीतिश जी में और लालू जी में झगड़ा होगा तो ललन जी को हटाने का फैसला इसीलिए किया गया कि ललन जी में और लालू जी निकटता बढ़ रही थी और इसीलिए झटका दिया गया तो इसको किसको फायदा होगा बी.जे.पी. को फायदा होगा और इसीलिए इण्डिया गठबंधन में नीतिश जी को पी.एम. के उम्मीदवार नहीं बनाया जा रहा है यहां हमलोग नहीं बना पा रहे हैं क्योंकि कांग्रेस पार्टी ये चाहती है कि अगर हम स्टेट में भी मुख्यमंत्री रिजनल पार्टी को बनायेंगे और देश में भी पी.एम. भी रिजनल पार्टी को बनाएंगे तो कांग्रेस क्या करेगी ये कांग्रेस की समस्या है और इसी तरह दोनों परिस्थिति में लाभ है तो वो बी.जे.पी. के हाथ में है।

चित्रा:- तो कड़वी बातें आप मिठास के साथ बोल ये अक्षरा जी तो शहनवाज जी असल बात तो यह है कि दोनों हालत में लड़दू बी.जे.पी. के हाथ में है।

शहनवाज:- देखिये दूध का जला छाछ भी फुंक फुंक कर पीता है हम भारतीय जनता पार्टी के लोग बिहार में एक मिशन पर काम कर रहे हैं कि लोकसभा की 40 सीट जीते हैं 2025 में बी.जे.पी. पुराना बहुमत से सरकार बनाये हमलोग जल्दी में नहीं हैं और वी आर नोट इन हर्षी आज देखिए छत्तीसगढ़ मध्यप्रदेश राजस्थान में।

अक्षरा:- चित्रा जी मुझे 10 सेकेंड दीजिए प्लीज।

चित्रा:- जी जरूर।

शहनवाज:- लेकिन हम इन्तजार करेंगे और इन्तजार हमको 25 तक ही करना है कोई कयामत तक नहीं करना है 2025 तक का इन्तजार जरूर होगा निश्चित ही भारतीय जनता पार्टी की सरकार बनेगी और हमारा कोई रौल नहीं है ना हमें उनके कदम से फायदा होना है ना नुकसान और हम तो जानते हैं मोदी जी के नेतृत्व में।”

57. With aforesaid defamatory news which was
broadcasted on 29.12.2023 on “Aaj Tak” news channel, a
legal notice was issued to petitioners by O.P. No.2,



through his lawyers on 05.01.2024 to tender apology, which was duly received by petitioners but, the apology as asked to tender was not made through reply of aforesaid legal notice by petitioners saying that the goal of aforesaid discussions or airing the news was to provide the public with timely information and it was merely a discussion regarding possibility of political re-alignment, which might have taken place in a particular situation that in the case of resignation of O.P. No.2 from the post of President of JD(U), whereas it has been replied by petitioners that the petitioners were not under intention either to defame any person or lower down the image of O.P. No.2.

58. The intention is the subject of trial.

59. It is not disputed that petitioner no.1 is a “company” under which “Aaj Tak” news channel aired the alleged defamatory news regarding O.P. No.2, where petitioner no.2 is admittedly the “Managing Director” controlling entire affairs of petitioner No.1. Hence, on these issues no further discussion appears required.

60. From the news discussions, which was



telecasted on 29.12.2023 on “Aaj Tak”, it appears that a proposal was placed before the Chief Minister, Mr. Nitish Kumar by O.P. No.2 to make Tejaswi as Chief Minister of Bihar, which was not approved by him, whereafter O.P. No.2 conducted a secret meeting with 12 MLAs of JD(U) without giving any information to the Chief Minister, Mr. Nitish Kumar to make Tejaswi Yadav as Chief Minister. The entire meeting was said to be planned under the leadership of O.P. No.2, in which if he succeeds, the O.P. No.2 may be nominated for upper house (Rajya Sabha), as he was not desirous to contest the Lok Sabha Election from Munger constituency of Bihar. It also appears from the news room discussions, which was aired on 29.12.2023 that entire episode was a deal between Lallu Prasad and O.P. No.2 to make Tejaswi Yadav as Chief Minister of Bihar.

61. Mr. Gopal Singh, learned counsel appearing for O.P. No.2 while highlighting the conversation of different co-accused persons highlighted some of the conversation of the news report dated 29.12.2023, which



alleged to be defamatory in nature, which appears *prima-facie* in very assertive tone without having any credible input, *prima-facie* convincing imputation of reputation of O.P. No. 2 what he earned as a founder member of party since formation of JD(U) in 1994 and same is as under:

(I) Chitra:- ये तो खेला करने की बड़ी तैयारी थी नितिश कुमार के खिलाफ ये बात नितिश कुमार को पता लग गयी और ये बदलाव हुआ है।

(II) Rohit:- एक जो जानकारी मिल रही है कि पुरे मामले में डील हुयी थी लालू प्रसाद और ललन सिंह के बीच जिसमें तेजस्वी यादव को मुख्य मंत्री बनाने का पूरा मतलब प्लान था, जिसके बाद नितिश कुमार एक्टीव हो गये और उसके बाद ऑपरेशन ललन पर उन्होंने काम करना शुरू कर दिया।

(III) Chitra:- नहीं रोहित ये तो देखिए ये तो पार्टी के खिलाफ नितिश के खिलाफ ये तो सबके खिलाफ बगावत हो गयी।

(Both Chitra and Rohit admittedly employees of petitioner no.1, which is being controlled by petitioner no.2 as its Managing Director.)

62. The aforesaid news *prima facie* tarnished the image of O.P. No.2 and lowered down his prestige and reputation in public at large. Even the alleged proposals were said to be advanced by O.P. No.2 to Mr. Nitish



Kumar, Chief Minister, Bihar to make Tejaswi Yadav as next C.M. *prima facie* not appears to be supported from any corners. The word “deal” certainly implies that O.P. No.2 for his personal political gain made an attempt to damage a ruling political party of which he was the National President and when it came into knowledge of CM, Nitish Kumar, he was removed from the post of National President of JD(U), which was a wrong fact, *prima facie* damaged the reputation of O.P. No.2 in party and also in public.

63. It would be apposite to reproduce paragraph-63 of the legal report of Hon’ble Supreme Court as available through **Religare Finvest Ltd. case** (supra), which is as under:

"63. From the above it becomes evident that a corporation is virtually in the same position as any individual and may be convicted of common law as well as statutory offences including those requiring mens rea. The criminal liability of a corporation would arise when an offence is committed in relation to the business of the corporation by a person or body of persons in control of its affairs. In such circumstances, it would be necessary to ascertain that the degree and control of the person or body of persons is so intense that a corporation may be said to think and act through the person or the body of persons."



64. It would further be apposite to reproduce paragraph-19 of **Shiv Kumar Jatia case** (supra) as under:-

"19. The liability of the Directors/the controlling authorities of company, in a corporate criminal liability is elaborately considered by this Court in Sunil Bharti Mittal³. In the aforesaid case, while considering the circumstances when Director/person in charge of the affairs of the company can also be prosecuted, when the company is an accused person, this Court has held, a corporate entity is an artificial person which acts through its officers, Directors, Managing Director, Chairman, etc. If such a company commits an offence involving mens rea, it would normally be the intent and action of that individual who would act on behalf of the company. At the same time it is observed that it is the cardinal principle of criminal jurisprudence that there is no vicarious liability unless the statute specifically provides for. It is further held by this Court, an individual who has perpetrated the commission of an offence on behalf of the company can be made an accused, along with the company, if there is sufficient evidence of his active role coupled with criminal intent. Further, it is also held that an individual can be implicated in those cases where statutory regime itself attracts the doctrine of vicarious liability, by specifically incorporating such a provision."

65. It appears from the reply dated 15.01.2024 of legal notice on behalf of the petitioners that alleged news was broadcasted for public good, whereas an oral



submissions raised by Mr. Ansul, learned senior counsel appearing for petitioners during the argument that the news was informatory in nature and was for public good and aired in good faith and thus, it is covered under exceptions 1st and 9th as available under Section 499 of the IPC. It also submitted that petitioners denied through said reply that they were “not under intention” as to damage the reputation of O.P. No. 2. This Court is of opinion that “denial of intention” cannot be accepted at par of “tendering apology” as asked for. Knowledge of reporting not denied by petitioner no. 2, being the Managing Director. Deciding “absence of intention”, no doubt is the subject of trial.

66. The burden of proving exception also always lies on claimants, in this case it lies on both petitioners, which can be discharged legally only during the trial.

67. Hence, in view of all aforesaid legal and factual discussions, it appears that the main grounds which was raised for quashing the present impugned



cognizance order dated 02.04.2024 are mainly two i.e. “absence of intention” to damage reputation of O.P. No. 2 and secondly news report falls under exception of 499 of I.P.C. cannot be considered while hearing this petition because same can be decided during trial only, hence, this Court does not find any infirmity for finding of a *prima facie* case *qua* petitioners through impugned order of cognizance dated 02.04.2024 as passed by learned Chief Judicial Magistrate, Patna.

68. Bracket of golden principles as available through **Bhajan Lal Case (supra)**, in view of aforesaid discussions also not appears helping to petitioners.

69. Accordingly, the application stands dismissed.

70. Let a copy of the judgment sent to the trial court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	AFR
CAV DATE	11.02.2025
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