

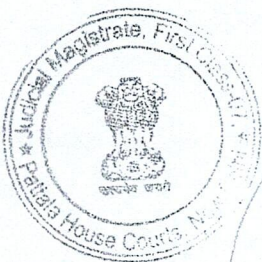
Ms. Tarunpreet Kaur
Judicial Magistrate, First Class
06, Ground Floor, Main Building
Patila House Courts,
New Delhi

26.07.2024

Order on Summoning

1. The brief facts of the present case, as stated in the present complaint, are that the complainant is a senior advocate by profession and he has been Vice President of Supreme Court Bar Association. On 30.05.2023, the complainant happened to come across a news article published on the official website of Aajtak news channel i.e., aajtak.in, under the heading "**Sanjay Sherpuria case**" wherein it had been published- "**SC ke Adhiwakta Pradeep Rai se STF karegi Puchh Tachh....**" and another article on twitter under the heading- "**Senior Advocate Pradeep Rai se puchhtachh karegi STF**". Besides that, the articles published following defamatory content:-

- (i) That the complainant is the nephew of a conman namely, Sanjay Rai Sherpuria.
- (ii) That notice had been issued upon the complainant by the Special Task Forces, Uttar Pradesh, for questioning.
- (iii) That the complainant was the director in various companies of aforesaid Sanjay Sherpuria.



1.1. It is the case of the complainant that the said articles were published by the news channel concerned without verifying the details. Further, as alleged, a photograph of the complainant had also been published with the aforesaid articles which left no scope for confusion as to the identity of the complainant.

1.2. It has been further alleged by the complainant that above-stated defamatory articles were viewed by several people on social media, including the complainant and his colleagues and associates.

1.3. The complainant had sent a legal notice to the respondents on 27.06.2023 physically as well as by electronic mode. A reply was also sent by the respondents to the same.

1.4. In the above-stated manner, the respondents have maligned the reputation and image of the complainant in eyes of his friends, colleagues, associates and clients etc.

2. Accordingly, pre-summoning evidence was led by the complainant wherein he got himself examined as CW-1 and he relied upon screenshot of the article in question Mark CW1/1 (Colly), another screenshot Mark CW1/2, legal notice dated 27.06.2023 Mark CW1/3, reply to said legal notice Mark CW1/4

and certificate under section 65B Indian Evidence Act in support of above-stated screenshots Mark CW1/5.

3. The complainant got Ms. Kumkum Sharma examined in the pre-summoning evidence as CW-2, Ms. Modoyia Kayina as CW-3 and Sh. Vipin Kumar Bharti as CW-4. The aforesaid witnesses are the persons who had come across the above-stated defamatory articles made against the complainant.
4. The arguments on point of summoning have been heard and the record has been perused. It was submitted by the complainant that the Aajtak news channel has defamed him by publishing the above-stated defamatory article and by showing his photograph alongwith it. He further submitted that CW-2, 3 and 4 are the media persons who had come across the said defamatory article. He further submitted that he had even sent a legal notice to the respondents and the same had been accepted by them and later on, the link on which the defamatory article had been published was removed.
5. Submissions have been heard and the record has been perused.



Section 500 IPC provides punishment for defamation, while section 499 IPC defines defamation by stating that- "*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 excepted, to defame that person.

7. Hence, the essential ingredients for defamation (for being punishable under section 500 IPC) are that:-

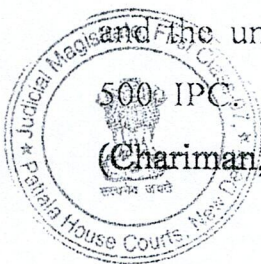
(i) That a false imputation had been made by the accused to damage or harm the *reputation* of the victim/complainant. This provision would come into play when someone makes or publishes an incorrect statement, accusation, or false imputation about another person, whether through words, oral communication, visuals, or any other means.

(ii) That the said imputation was published by the accused, which means that the defamatory words have reached any third person. It is necessary that a third person has read, heard or seen the defamatory content.

8. It is the version of the complainant that content published by the respondents on their news channel via social media is defamatory in the sense that he has no relation whatsoever with

the aforesaid conman Sanjay Sherpuria nor is he director in any of his companies. Hence, *prima facie*, perusal of pre-summoning evidence and the documents brought on record reveal that the content in question is defamatory and the same had been published by the respondents on their official website and their twitter handle on the date of the alleged incident. Also, photograph of the complainant had been published alongwith the said defamatory content. Besides that, it is highly significant to note that it has been stated in clause (xi) of reply dated 17.07.2023 given by the respondents that "*The tweets as indicated hereinabove have been removed within an hour or so of it being circulated. The fact that these tweets are no longer available in the public domain shows and establishes that Your Client's image, reputation and goodwill continues to remain intact.*" Hence, by way of the aforesaid reply, it has even been admitted on behalf of the respondents that the defamatory content qua the complainant had been published by them and that the same was deleted eventually.

9. At the present stage of summoning, the court is only required to see as to if *prima facie* case is made out against accused persons. In view of the above discussion, pre-summoning evidence led by the complainant, documents brought on record and the submissions made, the present complaint stands allowed and the undersigned takes cognizance of offence under section 500 IPC. Let summons be issued to **accused 1. Aroon Purie (Chairman, India Today Group), 2. Kallie Purie (Vice Chairman,**



India Today Group), 3. Supriya Prasad (Managing Editor, Tak Channels), 4. Milind Khandekar (Managing Editor) and 5. India Today on filing of PF within 15 days from today, for offence under section 500 IPC, for the NDOH.



Copy of order be given *dasti* to the complainant.

Sd/-

Judicial Magistrate, First Class-07
06, Ground Floor, Main Building
(Tarunpreet Kaur)
JMFC-07/PHC/ND/26.07.2024