



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1094 OF 2013 (A)

BETWEEN:

S.N.SURESH BABU
S/O LATE NARASEGOWDA
AGED ABOUT 59 YEARS,
PRESENTLY WORKING AS
DEPUTY SUPERINTENDENT OF POLICE,
CHAMARAJNAGAR – 571 313. ... APPELLANT

(BY SRI. CHETHAN B., ADVOCATE, AND
SRI. SYED AMJAD, ADVOCATE)

AND:

T.GURURAJ
S/O THIMMEGOWDA
AGED ABOUT 50 YEARS,
EDITOR,
HELLO MYSORE NEWS PAPER
NARAYANASHASTRI
MYSORE – 570 001. ...RESPONDENT

(BY SRI. SHANKARAPPA, ADVOCATE)





THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(4) CR.P.C., PRAYING TO, SET ASIDE THE JUDGMENT DATED 30.09.2013 PASSED BY THE JMFC-III, MYSORE IN C.C.NO.1512/2007 ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 500 AND 501 OF IPC AND ETC.,.

THIS CRIMINAL APPEAL HAVING BEEN HEARD AND RESERVED ON 04.07.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV JUDGMENT

1. The appellant being the complainant, has preferred this appeal against the judgment of acquittal dated 30.09.2013 in C.C.No.1512/2007 on the file of the JMFC-III at Mysuru, wherein the respondent was acquitted for the offences punishable under Sections 500 and 501 of Indian Penal Code (for short "IPC").



2. The ranking of the parties in the Trial Court, henceforth, will be considered as per their rankings in the Court for convenience.

Brief facts of the case:

3. The appellant is a police officer and he was working as the Circle Inspector of Police at K.R. Police Station at Mysuru. He was entrusted the work of executing the warrant against the respondent in C.C.No.265/2003. The appellant, as a part of his official duty, arrested the respondent / accused and sent him to the concerned Court. The respondent, being annoyed about his arrest, intended to take vengeance against the appellant / complainant, had published defamatory articles in the Evening paper namely "HELLO MYSORE" on 03.08.2004. Subsequently, again, he made certain allegations against the appellant, which made him to suffer in the eyes of family members and relatives and also public at large. Therefore, a complaint came to be registered against the accused before the Jurisdictional Magistrate.



4. To prove the case of the complainant, the complainant examined himself as P.W.1 and got examined other three witnesses as PWs.2 to 4 and got marked seven documents as Exhibits P1 to P7. The Trial Court after appreciating the oral and documentary evidence on record, recorded the acquittal.
5. Heard Sri Chethan B and Sri Syed Amjad, learned counsels for the appellant and Sri Shankarappa, learned counsel for the respondent.
6. It is the submission of learned counsel for the appellant that the judgment of acquittal passed by the Trial Court is perverse, illegal and erroneous. Therefore, the same is liable to be set aside as it is against to the evidence on record.
7. It is further submitted that the manner in which the Trial Court arrived at a conclusion is erroneous for the reason that, the Trial Court assessed the evidence in such a manner that the details of the persons / public spoken about the defamatory words were not forthcoming in the evidence. The Trial Court ought to have considered the



publication itself. Instead of considering the publication, asking the individual who got hurt by such publications is erroneous and untenable.

8. It is further submitted that the respondent made reckless and baseless allegations, which are considered as defamatory. However, the Trial Court failed to take note of the said facts and also failed to appreciate the evidence properly, resulted in passing the impugned judgment, which is liable to be set aside. Making such submissions, learned counsel for the appellant prays to allow the appeal.
9. *Per contra* learned counsel for the respondent, vehemently, justified the judgment of acquittal passed by the Trial Court and further, he submitted that the publications published in the magazine owned by the respondent did not contain any defamatory words. In fact, it is the message given to the erring officer to set right the system, in the interest of public.



10. It is further submitted that, when the statement is made which causes public good, that cannot be considered as defamatory sentence. Therefore, the ingredients of the provisions are not applicable to the given set of facts and circumstances. Hence, the appeal deserves to be dismissed. Making such submissions, learned counsel for the respondent prays to dismiss the petition.
11. Having heard learned counsels for the respective parties and also perused the findings of the Trial Court in recording the acquittal, now, it is relevant to have a look upon the evidence for the purpose of re-appreciation.
12. Before adverting to the facts of the case, it is necessary to refer the definition of "defamation" mentioned under Section 499 of IPC, which reads as under:

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.*



13. The said provision contains four explanations. The said explanations are reproduced for better understanding.

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.

14. The above said provision contains ten 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 is 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 expresses 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 to 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, a 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.

Imputation without publication

In section 499 the words 'makes or publishes any imputation' should be interpreted as words supplementing to each other. A maker of imputation without publication is not liable to be punished under that section; Bilal Ahmed Kaloo v. State of Andhra Pradesh, (1997) 7 Supreme Today 127.

15. If, any statements are published or spoken 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, it is said that, it is expected to defame that person.
16. In the present case, the evidence of P.W.1 would indicate that, he was working as Police Inspector at K.R. Police Station from 15.03.2004 to 16.06.2006. During his



tenure, he had discharged his official duty efficiently and effectively, without any remarks. Such being the fact, the respondent had published defamatory words stating that, the appellant was receiving bribe and allowing the persons to play single number lottery. Further, it is published that, the appellant was receiving the amount illegally from the parking agents by allowing them to park the vehicles near Chamundi Hill. The said statements published in the paper belonging to the respondent were denied and no action was initiated by the higher authorities on the said issues.

17. The position of law is well settled that, once the publication is proved to be defamatory in nature, the burden would be shifted to the person in whose publications such statements are published to prove that it was published in the interest of the public.
18. In the present case, there are several publications marked in this case as Ex.P4, wherein, it indicates that illegal activities were being held within the jurisdiction of KR Police station, Mysuru, at the instigation of the Police



Inspector. It is further elaborated in the said publication that, the appellant herein was allowing to run a club to play the playing cards, allowing to run prostitution and also sell the adulterated kerosene and play the single number lottery etc.,

19. When such allegations are made against an officer and failed to prove any one of such allegations by producing any complaints by the public, amounts to defamation. However, the Trial Court has failed to appreciate the evidence properly. To attract the ingredients of the above said provisions, it is necessary to prove that, the respondent had produced defamatory articles.
20. On careful reading of the evidence of both oral and documentary on record, it appears that, the respondent has published the words or statements in his newspaper which cause or harm the reputation of the appellant. Making baseless allegations to defame the dignity of individual, certainly, would amount to defamation. Hence, the findings of the Trial Court are liable to be set aside.



21. In the light of the observations made above, I proceed to pass the following:

ORDER

- i) Accordingly, the Criminal Appeal is ***allowed***.
- ii) The judgment dated 30.09.2013 passed in C.C.No.1512/2007 on the file of JMFC-III, Mysuru, is hereby, set aside.
- iii) The respondent is convicted for the offence punishable under Section 500 of IPC and he is sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/-(Rupees Two thousand only), in default, he shall undergo further simple imprisonment for a period of one month.
- iv) Further, the respondent is convicted for the offence punishable under Section 501 of IPC and he is sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.2,000/-(Rupees Two thousand only), in default, he shall undergo further simple imprisonment for a period of one month.
- v) The sentences shall run concurrently.



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- vi) The Registry is directed to send a copy of the judgment along with the file to the Trial Court to comply the order, in accordance with law.

Sd/-
(S RACHAIAH)
JUDGE

BSS
List No.: 19 Sl No.: 2