

Johny Lukose vs G.Surendran

Johny Lukose vs G.Surendran

SooperKanoon Citation : sooperkanoon.com/1871981

Court : Kerala

Decided On : Jun-27-2019

Judge : Honourable Mr. Justice P.Ubaid

Appeal No. : CrI.MC/84/2017

Appellant : Johny Lukose

Respondent : G.Surendran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY,
THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.84 of
2017 AGAINST THE JUDGMENT IN CC 1871/2016 of JUDICIAL
MAGISTRATE OF FIRST CLASS -I, PUNALUR
PETITIONER/ACCUSED NO.3: JOHNY LUKOSE THE NEWS
DIRECTOR, ADMINISTRATIVE OFFICE, M.M.T.V LTD, N.H.BYPASS
ROAD, AROOR P.O.,ALAPPUZHA - 688 534. BY ADVS.
SRI.K.P.DANDAPANI (SR.) SRI.MILLU DANDAPANI
RESPONDENTS/COMPLAINANTS 1 & 2/ACCUSED & STATE:

1 G.SURENDRAN (K/424/1979) AGED 64, ADVOCATE,PUNALUR, S/O. GOPALAN, RESIDING AT ARAMAM,THAZHAMEL MURI, ANCHAL VILLAGE, PUNALUR TALUK,KOLLAM DISTRICT, KERALA STATE - 691 306. 2 DR.SEBASTIAN PAUL ADVOCATE, BCK ENROLMENT NO. K/350/1981,S/O. M.S.PAUL, AGED ABOUT 69 YEARS, ST.FRANCIS CHURCH CROSS ROAD, KOCHI - 682 018,PRESENTLY RESIDING AT MANJAPPILLI HOUSE,PROVIDENCE ROAD, KOCHI - 682 018. 3 M.G.RADHAKRISHNAN EDITOR-IN-CHIEF, ASIANET NEWS NETWORK PRIVATE LIMITED,TC 26/621 (1 TO 13 NOS), SECRETARIATE WARD,OPPOSITE KERALA FIRE AND RESCUE SERVICEHEAD QUARTERS, HOUSING BOARD JUNCTION,THIRUVANANTHAPURAM - 695 001. 4 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM,KOCHI - 682 031 BY ADVS. SRI T A SHAJI SR ADV SRI.K.K.DHEERENDRAKRISHNAN SRI.BEN TOM SRI.V.V.NANDAGOPAL NAMBIAR SMT.K.KRISHNA

SMT.SABEENA P.ISMAIL SRI.D.FEROZE SRI.S.RAJEEV SRI.V.VINAY SRI.S.VIJAYAKUMAR (NALLOOR) SMT.VARADA SURENDRAN SRI SANTHOSH PETER-SR PP, THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.220/2017, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.2846/2017, CrI.MC.4053/2018, CrI.MC.4128/2017, CrI.MC.7667/2017, CrI.MC.8901/2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.139 of 2017 AGAINST THE JUDGMENT IN CC 1840/2016 of JUDICIAL MAGISTRATE OF FIRST CLASS -III,NEYATTINKARA PETITIONER/1ST ACCUSED: SEBASTIAN PAUL ADVOCATE PROVIDENCE ROAD KOCHI 682 018 BY ADVS. SRI.S.VIJAYAKUMAR

(NALLOOR) SMT.LIZAMMA AUGUSTINE SRI.BEN TOM SMT.VARADA SURENDRAN RESPONDENT/ACCUSED NOS.2 & 3/ STATE:

1 D.VELAYUUDHAN NAIR ADVOCATE ANAVOOR NEYYATTINKARA 695 121 2 NISHA JEBI NEWS PRODUCER, MANORAMA NEWS, NH BYPASS ROAD, AROOR ALAPPUZHA 688 534 3 JOHNY LUKOSE DIRECTOR OF NEWS, MANORAMA NEWS, MM TV LTD, NH BYPASS ROAD, AROOR, ALAPPUZHA 4 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA KOCHI 682 031 BY ADVS. SRI.AMAL KASHA SRI.MILLU DANDAPANI SMT.M.ISHA SRI.T.A.SHAJI (SR.) SRI.T.B.HOOD SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017, CrI.MC.4053/ 2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.220 of 2017 AGAINST THE JUDGMENT IN CC 1871/2016 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, PUNALUR PETITIONER/ACCUSED NO.1: SEBASTIAN PAUL ADVOCATE, PROVIDENCE ROAD, KOCHI 682018. BY ADVS. SRI.S.VIJAYAKUMAR (NALLOOR) SMT.LIZAMMA AUGUSTINE SRI.BEN TOM SMT.VARADA SURENDRAN RESPONDENT/COMPLAINANT & STATE:

1 G. SURENDRAN AGED 64, S/O.GOPALAN, ARAMANA HOUSE, ANCHAL P.O., ADVOCATE, PUNALUR 691305. 2 M.G.RADHAKRISHNAN EDITOR IN CHIEF, ASIANET NEWS

NETWORK PRIVATE LIMITED, HOUSING BOARD JUNCTION, THIRUVANANTHAPURAM-695001. 3 JOHNY LUKOSE DIRECTOR OF NEWS, MM TV LTD., NH BYPASS ROAD, AROOR, ALAPPUZHA-688534. 4 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI-682031. BY ADV. SRI.MILLU DANDAPANI SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018,CrI.MC.7667/2017, CrI.MC.84/2017, CrI.MC.4053/2018, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.1190 of 2018 AGAINST THE JUDGMENT IN ST 695/2017 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA PETITIONER/11TH ACCUSED: KANAM RAJENDRAN AGED 68 YEARS CHIEF EDITOR,JANYUGAM PUBLICATION LTD,VEEKSHANAM ROAD, ERNAKULAMSECRETARY, KERALA STATE COMMITTEE, COMMUNIST PARTY OF INDIA,M.N.SMARAKAM, TC 24/466. GANDHI BHAVAN RD, HOSUING BOARD,THYCAUD, THIRUVANANTHAPURAM, PIN 695 014 BY ADVS. SRI.V.M.KRISHNAKUMAR SMT.SURYA BINOY RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM PIN-682 031 2 THOMAS JOSEPH S/O JOSEPH, AGED 61 YEARS, ADVOCATEPVP BUILDING, T.B.ROAD, CHERTHALA,ALAPPUZHA, PIN 688 524 BY SANTHOSH PETER, SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG

WITH Crl.MC.139/2017, Crl.MC.4128/2017, Crl.MC.2846/2017, Crl.MC.8901/2016, Crl.MC.1198/2018, Crl.MC.220/2017, Crl.MC.7667/2017, Crl.MC.84/2017, Crl.MC.4053/2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 Crl.MC.No.1198 of 2018 AGAINST THE JUDGMENT IN ST 695/2017 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA PETITIONERS/ACCUSED NO15-17 IN S.T.:

1 MATHRUKA PRACHARANALAYAM LTD PERANDOOR ROAD, ELAMAKKARA, ERNAKULAM - 682 026 REPRESENTED BY ITS CHAIRMAN, RAMAKRISHNA PILLAI, RAJESEKHARAN PILLAI, ELAMAKAARA, ERNAKULAM 68202. 2 RAMAKRISHNA PILLAI RAJESEKHARAN PILLAI CHAIRMAN, MATHRUKA, PRACHARANALAYM LTD., PERANDUR ROAD, ELAMAKKARA, ERNAKULAM 682 026. 3 JAYACHANDRAN NAIR DIRECTOR, MATHRUKA PRACHARANALAYAM LTD, PERANDUR ROAD, ELAMAKKARA, ERNAKULAM 682 026. BY ADVS. SRI.SAJITH KUMAR V. SRI.JOSIE MATHEW

RESPONDENT/STATE, COMPLAINANT & 1ST ACCUSED IN S.T:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 2 THOMAS JOSEPH S/O.JOSEPH, AGED 60 YEARS, RESIDING AT THALANANY HOUSE, CMC-28, CHERTHALA, ADVOCATE BY PROFESSION AND PRACTICING AT SUB COURT CENTER, CHERTHALA AND HAVING OFFICE AT P.V.P BUILDINGS, T.B.ROAD, CHERTHALA, PIN: 688 524. 3 DR.SEBASTIAN PAUL ADVOCATE, S/O.LATE PAUL, AGED ABOUT 70 YEARS, PROVIDENCE ROAD, ERNAKULAM - 682 018.

BY ADVS. SMT.LIZAMMA AUGUSTINE SMT.VARADA SURENDRAN SRI.S.VIJAYAKUMAR (NALLOOR) SRI.SANTHOSH PETER, SR. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017, CrI.MC.4053/2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.2846 of 2017 AGAINST THE JUDGMENT IN CC 1871/2016 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, PUNALUR PETITIONER/ACCUSED NO.2: M.G.RADHAKRISHNAN EDITOR IN CHIEF, ASIANET NEWS NETWORK PVT.LTD., TC 26/621, SECRETARIATE WARD, OPPOSITE KERALA FIRE AND RESCUE SERVICE HEAD QUARTERS, HOUSING BOARD JUNCTION, THIRUVANANTHAPURAM, 695001. BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031 2 ADV SURENDRAN K4241979 ADVocate, PUNALUR, RESIDING AT ARAMAM, THAZHAMEL MURI, ANCHAL VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT, KERALA STATE-691501. BY SRI.SANTHOSH PETER, SR. PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017, CrI.MC.4053/2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.4053 of 2018 AGAINST THE JUDGMENT IN ST 695/2017 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA PETITIONER/ACCUSED NOS.9 & 10: 1 JANAYUGOM PUBLICATION LIMITED VEEKSHANAM ROAD, ERNAKULAM, COCHIN-682035, REPRESENTED BY ITS MANAGING DIRECTOR, N.RAJAN. 2 V.B.BINU FORMERLY PRINTER AND PUBLISHER, JANAYUGOM PUBLICATIONS, VEEKSHANAM ROAD, ERNAKULAM, COCHIN-682035. BY ADVS. SRI.V.M.KRISHNAKUMAR SMT.SURYA BINOY RESPONDENT/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. 2 THOMAS JOSEPH ADVOCATE S/O.JOSEPH, AGED 61 YEARS, PVP BUILDING, T.B.ROAD, CHERTHALA, ALAPPUZHA, PIN-688524. BY SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.4128 of 2017 AGAINST THE JUDGMENT IN ST 695/2017 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA PETITIONERS/ ACCUSED NOS.2 TO 8:

1 MALAYALA MANORAMA CO.LIMITED AGED 60 YEARS K.K ROAD, KOTTAYAM 686 001 REPRESENTED BY ITS MANAGING DIRECTOR/CHAIRMAN,OFFICE OF THE MALAYALA MANORAMA, KOTTAYAM 2 PHILIP MATHEW MANAGING EDITOR,MALAYALA

MANORAMA CO. LTDK.K ROAD, KOTAYAM 686 001 3 MARY KURIEN
DIRECTOR MALAYALA MANORAM CO.LTDK.K ROAD, KOTTAYAM
686 001 4 KOSHY ABRAHAM,DIRECTOR MALAYALA MANORAM
CO.LTDK.K ROAD, KOTTAYAM 686 001 5 MAMMEN MATHEW CHIEF
EDITOR,MALAYALA MANORAM CO.LTDK.K ROAD, KOTTAYAM 686
001 6 JACOB MATHEWPUBLISHER MALAYALA MANORAM
CO.LTDK.K ROAD, KOTTAYAM 686 001 7 NISHA JEBY
READER,MALAYALA MANORAM CO.LTDK.K ROAD, KOTTAYAM 686
001 BY ADVS. SRI.K.P.DANDAPANI (SR.) SRI.MILLU DANDAPANI

RESPONDENT/COMPLAINANT/1ST ACCUSED/STATE :

1 SHRI THOMAS JOSEPH S/O. JOSEPH, AGED 60 YEARS,
RESIDING AT THALANANY HOUSE,CMC-
28,CHERTHALA,ADVOCATE BY PROFESSION AND PRACTICING AT
SUB COURT CENTER, CHERTHALA AND HAVING OFFICE AT P.V.P
BUILDINGS, T.B ROAD, CHERTHALA, PIN 688 524. 2 DR.SEBASTIAN
PAUL S/O. LATE PAUL,AGED ABOUT 70 YEARS, PROVIDENCE
ROAD, ERNAKULAM, KOCHI 682 018. 3 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA,ERNAKULAM, KOCHI 682 031 BY ADVS. SMT.LIZAMMA
AUGUSTINE SMT.VARADA SURENDRAN SRI.S.VIJAYAKUMAR
(NALLOOR) SRIS.SANTHOSH PETER, SR. PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON
27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.2846/2017,
CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018,
CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017,
CrI.MC.4053/2018, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.7667 of 2017 AGAINST THE JUDGMENT IN ST 695/2017 of JUDICIAL MAGISTRATE OF FIRST CLASS -I, CHERTHALA PETITIONER/ACCUSED NOS.18 TO 20: 1 MADHYAMAM DAILY IDEAL PUBLICATION TRUST, SILVER HILLS, KOZHIKODE - 12, REPRESENTED BY ITS MANAGING DIRECTOR/CHAIRMAN. 2 T.K. FAROOK PRINTER AND PUBLISHER, MADHYAMAM DAILY, IDEAL PUBLICATION TRUST, SILVER HILLS, KOZHIKODE - 12. 3 O. ABDUL RAHMAN EDITOR, MADHYAMAM DAILY, IDEAL PUBLICATION TRUST, SILVER HILLS, KOZHIKODE - 12. BY ADVS. SRI.SASTHAMANGALAM S. AJITHKUMAR SRI.V.S.THOSHIN RESPONDENT/ DE FACTO COMPLAINANT: 1 THOMAS JOSEPH S/O. JOSEPH, AGED 60 YEARS, RESIDING AT THALANANY HOUSE, CMC-28, CHERTHALA AND HAVING OFFICE AT PVP BUILDING, T.B. ROAD, CHERTHALA, PIN - 688 524. 2 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.8901/2016, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.220/2017, CrI.MC.84/2017, & CrI.MC.4053/2018, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.UBAID THURSDAY, THE 27TH DAY OF JUNE 2019 / 6TH ASHADHA, 1941 CrI.MC.No.8901 of 2016 AGAINST THE JUDGMENT IN CC 1840/2016 of JUDICIAL MAGISTRATE OF FIRST CLASS -III, NEYYATTINKARA PETITIONERS/ACCUSED 2 & 3: 1 NISH JEBI NEWS PRODUCER, MANORAMA NEWS, M.M.T.V. LTD., N.H.BYPASS ROAD, AROOR

P.O, ALAPPUZHA-688534. 2 JOHNY LUKOSE DIRECTOR OF NEWS, MANORAMA NEWS, M.M.T.V. LTD.,N.H.BYPASS ROAD, AROOR P.O, ALAPPUZHA-688534. BY ADVS. SRI.K.P.DANDAPANI (SR.) SRI.MILLU DANDAPANI RESPONDENT/COMPLAINANT/1ST ACCUSED & STATE:

1 D.VELAYUDHAN NAIR S/O. DIVAKARAN NAIR, ADVOCATE, SRI RENGAM, ANAVOOR DESOM,ANAVOOR VILLAGE, ANAVOOR P.O., NEYYATTINKARA TALUK-695121. 2 DR.SEBASTIAN PAUL S/O. M.S.PAUL, MANJAPALLY HOUSE, PROVIDENCE ROAD, KOCHI-682018. 3 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031. BY ADVS. SRI.AMAL KASHA SRI.BEN TOM SMT.LIZAMMA AUGUSTINE SMT.M.ISHA SRI.S.VIJAYAKUMAR (NALLOOR) SRI.T.A.SHAJI (SR.) SRI.T.B.HOOD SMT.VARADA SURENDRAN BY SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 27.06.2019, ALONG WITH CrI.MC.139/2017, CrI.MC.4128/2017, CrI.MC.2846/2017, CrI.MC.1190/2018, CrI.MC.1198/2018, CrI.MC.220/2017, CrI.MC.7667/2017, CrI.MC.84/2017, & CrI.MC.4053/2018, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JUDGMENT

This batch of cases relate to three prosecutions pending before three courts in Kerala. One case is before the Judicial First Class Magistrate Court-I, Punalur, the other is before the Judicial First Class Magistrate Court-III, Neyyattinkara, and the third is before the Judicial

First Class Magistrate Court-I, Cherthala.

respectively the accused Nos. 1, 2 and 3 in C.C. No. 1871 of 2016 of the Judicial First Class Magistrate Court-I, Punalur, the petitioner in CrI.M.C.. No. 139 of 2017

is the first accused in C.C. No. 1840 of 2016 the Judicial First Class Magistrate Court-III, Neyyattinkara, and the petitioners in CrI.M.C. No. 8901 of 2016 are the accused Nos. 2 and 3 therein. The first accused in this case is also the first accused in C.C. No.

1871 of 2016. The petitioners in CrI.M.C. No. 4128 of 2017 are the accused Nos. 2 to 8 in S.T. No. 695 of 2017 of the Judicial First Class Magistrate Court-I, Cherthala, the petitioners in CrI.M.C. 4053 of 2018 are the accused Nos. 9 and 10 therein, the petitioner in CrI.M.C. No. 1190 of 2018 is the 11th accused therein, the petitioners in CrI.M.C. No. 1198 of 2018 are the accused Nos. 15 to 17 therein, and the petitioners in CrI.M.C. No. 766 of

2017 are the accused Nos. 18 to 20 in the saidcase.

Cherthala, is also the first accused in the other two cases. The different petitioners include some media persons and reporters of print and electronic media, the persons in administration of the media establishments, and also an advocate of the High

Court Bar Association.

In all the cases, the saida

C.C. No. 1871 of 2016 of the Judicial First Class Magistrate Court-I, Punalur, is a member of the Punalur Bar Association, the complainant in C.C. No. 1840 of 2016 of the Judicial First Class Magistrate Court-III, Neyyattinkara, is the President of the Neyyattinkara Bar Association, and the complainant in S.T. No. 695 of 2017 of the Judicial First Class Magistrate Court-I, Cherthala, is a Member of the Cherthala Bar Association.

2. The offence alleged in all the cases is defamation, punishable under Section 500 of the

Indian Penal Code. The issue is concerning a statement of criticism made by the first accused (advocate) in the wake of a tussle between some members of the High Court Bar Association, and some media persons in connection with a row over the news spread and published about a member of the High Court Bar Association in connection with a pending police case and court proceedings

against

him. As part of the row and tussle, some lawyers of the High Court Bar Association, and also some media persons turned violent near the court premises, and this led to an unpleasant and inexcusable open fight between the two groups. This unpleasant situation which cannot at all be

expected in a set up where the two

first accused, who is also a member of the High Court Bar Association made a criticism by way of an open statement through media against the Advocates, and specifically against the members of the High Court Bar Association who turned violent near the High Court premises. During such criticism of intolerance on the part of the Advocates, he even compared them to stray dogs. This comparison in the statements led to the present complaints against

the Advocate, and along with him, some media persons are also being prosecuted. The allegation in the complaints is that the said statement made by the Advocate has seriously affected the reputation of the lawyer community as a whole, and the members of the High Court Bar Association particularly, and that such a statement has lowered them down very much in the estimation of the general public. On such allegations, different

Advocates made complaints before the three courts, and after necessary enquiry, cognizance was taken at the three courts under Section 500 IPC against the advocate and others. Those prosecutions are sought to be quashed under Section 482 of the Code of Criminal Procedure.

3. The two important questions for

consideration in these matters are (a) whet

(b) whether the statement allegedly made by the

Advocate can be said to be defamatory

class came up for consideration before this Court in Malayala Manorama Co.Ltd V. Deepak [2018 (1) KLT 928], and this court answered the point against the lawyer community. It appears that nobody has challenged the said decision of the learned Single Judge.

4. Defamation is defined under Section 499 of the I.P.C as follows:

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.

5. Explanation 2 to Section 499 I.P.C is that it may amount to defamation to make an imputation

concerning a company or an associ

with its own identity, unity, characteristics, ways

and objectives. A mere collection

may consist of different elements. A

or means or object cannot be said to be a class of persons as meant by explanation 2 to Section 499

IPC. Here the class is the class of Advocate

collection of Advocates forming Bar Associations. All the Bar Associations consist of only Advocates having commonness in practice everywhere. Anyway, the legal issue stands concluded by this Court, and that too in a case involving the very same statement made by the very same Advocate. So I need not make further probe into that aspect.

6. Now the short question is whether the

alleged statement made by the 1st accused can be said to be defamatory. To make it defamatory and punishable under Section 500 I.P.C, it must be a statement that will have the effect of harming the reputation of Advocates, or lowering them down in the estimation of the others. Any statement made or words spoken against a person with the object of

lowering his dignity or credit or character

the Advocate is that it is a severe criticism made

by him against the Advocate Community.

allegations which will have the effect of lowering an individual or a class of persons down in the estimation of others. A statement of criticism against an individual or a class, however scathing or withering it is, will not by itself amount to

defamatory statement. So also,

statement of criticism made by the 1st

and some media persons. Such fights happened later also, after the unpardonable incident that happened near the premises of the High Court.

7. In deciding whether a statement against a class of persons is defamatory or not, it will assume importance whether the statement is from within or from outside. In this case, the statement

is not from outside but from within. A class

a statement of criticism comes against such a class

from within in the wake of any untoward conduct of

the 1st accused caused annoyance or humiliation

tolerate the statements or whether the statements would humiliate or abuse them. Every statement that humiliates an individual or a class of persons, or every statement that causes some sort of intolerance or annoyance or discomfort to the members of a class or individuals cannot be said to be defamatory. Statements of

criticism made in certain context, or in the context of some incidents that call for such criticism also cannot

be said to be defamatory because criti

defamatory statement. In this case, the grievance of the Advocates is that the 1st accused compared the Advocates to stray dogs. He made such a criticism or statement in the wake of the violent tussle made by the Advocates and the media persons near the court premises. The profession of law is said to be a dignified and noble profession. The members of this profession cannot behave disorderly

or violently in courts or court premises or

sufficient for a prosecution under Section 500 IPC. It requires something more, that such criticism or

statement has damaged the reputation

prosecution under Section 500 I.P.C is not what the

Advocates have felt from the statements

the statements allegedly made by the 1 st accused, I find that it was not probably meant to defame Advocates, but only as a severe criticism against the Bar of which he is a member.

8. I find that continuance of the prosecutions against the Advocate and others including media persons will be an abuse of legal process. When there is nothing per se defamatory to lead to a

trial under the Code of Criminal Procedure, the High

statement will in any manner impair or damage, the fame and reputation of Advocates as a whole. I do not think that he had any mala fide intention, or any intention to defame anybody, or to damage the reputation of the Advocates as a whole or that of any individual Advocate. I find that the prosecution against the Advocate and others is liable to be quashed.

9. The learned senior counsel appearing for

the complainant referred to a decision

decision of a learned Single Bench of this Court in

Jacob Mathew and others V. State of

case is covered by the decision of this Court cited supra in Malayala Manorama's case. Anyway, the crucial issue is whether the alleged statement is defamatory. When the court has found that the statement is not defamatory, it is quite immaterial whether the Advocates can claim to be a class of persons as meant under Section 499 IPC. In the result, all these petitions are allowed. Accordingly, the prosecution against the petitioners in CC 1871/2016 of the Judicial First Class Magistrate Court-I, Punalur, C.C 1840/2016 of

the Judicial First Class Magistrate Court-III, Neyyattinkara and ST 695/2017 of the Judicial First Class Magistrate Court-I, Cherthala will stand quashed under Section 482 Cr.P.C. Sd/- P.UBAID ma /True copy/ JUDGE P.S to Judge APPENDIX OF CrI.MC 84/2017 PETITIONER'S/S EXHIBITS: ANNEXURE-A: TRUE COPY OF THE COMPLAINT IN CC NO. FIRST CLASS MAGISTRE'S COURT, PUNALUR DATED 10.11.2016. APPENDIX OF CrI.MC 139/2017 PETITIONER'S/S EXHIBITS: ANNEXURE A CERTIFIED COPY OF THE COMPLAINT FILED AT JFCM COURT -III AT NEYYATTINKARA- NUMBERED AS CC 1840 OF 2016 ANNEXURE B CERTIFIED COPY OF THE SWORN STATEMENT GIVEN BY THE COMPLAINANT APPENDIX OF CrI.MC 220/2017 PETITIONER'S/S EXHIBITS: ANNEXURE A- CERTIFIED COPY OF THE COMPLAINT FILED AT JFCM COURT-1 AT PUNALUR-NUMBERED AS CC1871 OF 2016. ANNEXURE B- CERTIFIED COPY OF THE SWORN STATEMENT GIVEN BY THE COMPLAINANT. APPENDIX OF CrI.MC 1190/2018 PETITIONER'S/S EXHIBITS: ANNEXURE 1 TRUE COPY OF THE ANNE.1 COMPLAINT DATED 04-11-2016 LEADING TO ST NO.695 OF 2017 BEFORE THE JFCM-1 CHERTHALA ANNEXURE II TRUE COPY OF THE DEPOSITION OF THE COMPLAINANT BEFORE THE LEARNED JFCM-1, CHERTHALA APPENDIX OF CrI.MC 1198/2018 PETITIONER'S/S EXHIBITS: ANNEXURE A A CERTIFIED COPY OF

THE COMPLAINT IN ST. NO.695 OF 2017 ON THE FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT, CHERTHALA ANNEXURE B A TRUE COPY OF THE INTERIM ORDER DATED APPENDIX OF CrI.MC 2846/2017 PETITIONER'S/S EXHIBITS: ANNEXURE I A TRUE CERTIFIED COPY OF COMPLAINT IN CC MAGISTRATE COURT-I, PUNALUR. APPENDIX OF CrI.MC 4053/2018 PETITIONERS/S EXHIBITS: ANNEXURE I TRUE COPY OF THE ANNE.I COMPLAINT DATED 04-11-2016 LEADING TO ST NO.695 OF 2017 BEFORE THE JFCM-I CHERTHALA. ANNEXURE II TRUE COPY OF THE DEPOSITION OF THE COMPLAINANT BEFORE THE LEARNED JFCM-1, CHERTHALA. ANNEXURE III TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 20-02-2018 IN CRL.M.C.NO.5352 OF 2017. APPENDIX OF CrI.MC 4128/2017 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF THE COMPLAINT IN S.T NO 695 OF 2017 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I,CHERTHALA APPENDIX OF CrI.MC 7667/2017 PETITIONER'S/S EXHIBITS: ANNEXURE A A CERTIFIED COPY PF THE PRIVATE COMPLAINT DATED 05.11.2016 FILED BY THE RESPONDENT NO. 1. APPENDIX OF CrI.MC 8901/2016 PETITIONER'S/S EXHIBITS: ANNEXURE A TRUE COPY OF THE COMPLAINT IN C.C.1840

OF 2016 FILED BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT III, NEYYATTINKARA DT. 31-10-2016. /True copy/ P.S to Judge

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