

ORDER BELOW EXH.193 IN S.C.C. No. 73377/2024**Satyaki Savarkar Vs. Rahul Gandhi****(Passed on 14/08/2026)**

1. The professor Dr. Pankaj K. Phadnis / Intervenor has filed this application to implead him as a necessary party in the current private criminal case i.e. S.C.C. No.73377/2024.

2. The intervenor further stated that, he has experience of more than 25 valuable years of his peak career time in doing rigorous scientific research on Late Vinayak Damodar Savarkar. He has authored three books directly relevant to the subject matter of the complaint pending before this Court. He had filed PILs to protect the honor and dignity of Late Savarkar before Hon'ble Supreme Court and Hon'ble High Court. He has mentioned the observations made by the Hon'ble Courts in his intervenor application and its copies are also produced on record. He has also mentioned observations made by Hon'ble Bombay High Court which are as follows.

"It is also pertinent to note that, statements allegedly made by respondent No.1 about Late Late Vinayak Damodar Savarkar are already subject matter of SCC No. 73377 of 2024 (Satyaki Savarkar Vs. Rahul Gandhi) which is pending before the Judicial Magistrate First Class, Pune.

However, liberty to reserved to the petitioner to take recourse to such remedy as may be available to him in law for ventilation of his grievance. With the aforesaid liberty, the PIL is disposed of."

3. From the said observations, the intervenor has filed this

application for intervention in this case. The intervenor has also sent a notice to the present accused. The intervenor has written some paragraphs of the notice in his intervention application.

4. The intervenor further stated that, he has reasonably good knowledge about life and times of Late Savarkar. The complainant has no personal interactions with Late Savarkar. Complainants mother who may have had some interactions with Late Savarkar was not his biological kin. She had married into Savarkar's family. She was daughter of Late Gopal Godse.

5. The accused may take undue advantage of the ignorance of the complainant about Late Savarkar to ensure that, misleading, mischief and false statement are being taken on record in Court of law. Lastly, he prayed to allow his intervention application.

6. The intervenor filed affidavit (Exh.200) in reply to the raising preliminary objections by the complainant and the accused to the jurisdiction of this Court. The intervenor has stated in his affidavit that, the intervenor has been granted *Locus-Standi* by Hon'ble Bombay High Court in its order dtd. 15/07/2025 in PIL No. 55/2025. The intervenor has submitted a link to show the documentary that, Smt. Indira Gandhi held Late Vinayak Savarkar in high esteem. The complainant and accused are proceeding in concert unnecessarily consuming valuable judicial time. This court has to determine only, whether the alleged defamatory statements are legally sustainable on the basis of admissible evidence. This Court has no jurisdiction to adjudicate upon the historical or political

issues. Late Vinayak Damodar Savarkar passed away on 26th February 1966. This Court cannot directly or indirectly conduct the trial of deceased person. Lastly, he prayed in his affidavit to delete on the record of all questions and answers and observations made which travel beyond the jurisdiction of this Court.

7. Complainant filed his reply at Exh. 201 and strongly objected to implead the intervenor in this case. He stated that, this is the private case for personal wrong committed by the accused. He has no *Locus-Standi*. The intervenor cannot forcefully impose himself upon the complainant. The criminal jurisprudence does not recognize the concept of unnecessary party or an intervenor in a trial of a private criminal complaint. The presence of the intervenor is not necessary in this matter. The complainant is unaware and oblivious to the intention of the intervenor and also about his expertise and experience. If he is impleaded, the trial will get delayed, derailed and distracted which will cause heavy irreparable loss to the complainant. The film cannot be played in the court. The intervenor wants to promote his three books by using this court as a platform. The Hon'ble Bombay high court has not granted any right or leave to the intervenor to intervene in this private criminal complaint. It is not prerogative of a random third party to dictate the terms of settlement, punishment or disposal in criminal trial initiated by the complainant. Lastly, complainant prayed to reject the intervention application with exemplary cost.

8. The intervenor filed his written submission at Exh.202. He stated that, his object to assist this court in effectively

adjudicative the issue arising in the above complaint. He has pursued previously litigations concerning matters relating to Late Savarkar before the Hon'ble Supreme Court and the Hon'ble Bombay High Court. Intervenor wants to place relevant historical documentary material on record which will assist the Court to decide this case. Courts exist to discover the truth. Procedural rules should therefore, be interpreted in a manner that advances substantial justice. No prejudice would be caused to any party if his intervention application is allowed. Lastly, he prayed to allow the application.

9. The intervenor has filed argument points at Exh.203. He stated therein that; intervenor possesses specialize knowledge and documentary material directly relating to the issue involved in the complaint. This intervention application is filed in pursuance of the liberty expressly granted by the Hon'ble Bombay High Court to the intervenor in PIL No. 55/2025. The intervenor is not attempting to substitute the complainant nor to alter the nature of prosecution. The intervenor has direct and genuine interest. He is neither recent nor politically motivated. His intervention application will facilitate complete, effective and fare adjudication. Lastly, he prayed to allow the application.

10. Accused has filed his reply at Exh.213 stating that, the third party/intervenor is neither the complainant nor the accused. The intervenor failed to demonstrate any legally recognized interest, enforceable right, statutory entitlement or *Locus-Standi* which could confer or right to intervene in the present proceeding. The criminal trial cannot be converted in to a general forum for participation by

person asserting and independent, collateral or purported interest in the subject matter of the proceeding. The intervenor has no independent cause of action arising out of the present complaint and no relief has been sought against him by either complainant or the accused.

11. It is further submitted that, the intervenor has neither been summoned as an accused nor examined as witness nor shown to be necessary party for the adjudication or the allegation made in the complaint. The intervenor has no or legally enforceable right to participate in this case. The trial would fundamentally alter the nature and scope of the proceeding if the intervention application is allowed. It will enlarge its factual and evidentiary canvas and expose the defence to assertion, contentions and materials which do not fall part of the complaint if the application is allowed. The accused has fundamental right of fair trial. The accused cannot be compelled to defend himself against a moving or expanding target. The intervenor can not introduce a new factual foundation, supplement deficiencies in the existing complaint or seek to fill lacuna in the evidence already led by the complainant. The trial has already substantially progressed. Therefore, the defence cannot be required to recalibrate or restructure its case to meet a new case sought to be introduced by the intervenor who was never a party to original prosecution. It would inevitably open the door to the multiplicity of proceeding, repeated intervention, additional, oral and written submission, production of extraneous or otherwise irrelevant material if the application is allowed.

12. It is further stated that, the third party or complete stranger does not, as matter of right, have a right to participate in criminal proceeding. The intervenor is not victim. He has no statutory right to participate. The intervenor cannot derive any assistance of section 301 and 302 of Cr.P.C. Section 301 and 302 of Cr.P.C. do not confer upon any interested person a substantive right to independently conduct or control the prosecution. The third party cannot claim a superior right of participation which is not even available to a private complainant as of right. The defence is testing the complainant's assertions, claimed lineage and relationship, historical claims, documents, books, sources, statement, knowledge and the factual and evidentiary basis of his alleged reputation-based grievance etc. A belated intervention at this stage would, therefore, introduce uncertainty and cause procedural prejudice to the parties. If the application is allowed, it would interrupt, dilute, delay or otherwise interfere with the ongoing cross examination of the complainant. The cross examination is not an empty formality. It should go on without unwarranted interruption, procedural diversion or intervention. The application may be considered after the conclusion of the cross examination. There should not be collateral interference, procedural obstruction or unnecessary enlargement of the present criminal proceeding. The intervenor has no *Locus-Standi*, no legal rights, no any direct interest in the present matter. The accused prayed to keep the intervention application in abeyance till completion of the cross examination.

13. The intervenor filed rejoinder or additional affidavit in reply to the say filed by the complainant and the accused at Exh.

216. The intervenor stated in his rejoinder that, he has been granted liberty by Hon'ble Bombay High Court in PIL at Exh. 55 of 2025. The intervenor is not complete stranger. The proceedings of this complaint are being conducted in a manner that effectively amount to holding trial of Veer Savarkar in absentia. The intervenor needs no publicity either for himself or his book. The intervenor lastly prayed to allow his intervention application.

14. The intervenor submitted his additional written argument at Exh. 217. He stated that, the application is not filed to delay or obstruct the proceeding. He seeks permission to participate in the prosecution in accordance with section 302 of Cr.P.C. He has been granted liberty by Hon'ble Bombay High Court in PIL No.55 of 2025. The applicant will follow conditions which would be imposed by this Court. The intervenor will not cause prejudice to the rights of any party. The trial must be fair, impartial and conducted in accordance with law. The proceedings be confined to the legally relevant issues arising from the complaint. The court must ensure that, the proceedings do not travel beyond the permissible limits of the criminal jurisdiction exercised by it. The intervenor does not intend to curtail rights of any party. He seeks to ensure that, proceedings remain within their proper legal boundaries. Lastly, the intervenor prayed to allow the intervention application or defer it till the conclusion of cross examination of the complainant.

15. Heard all the Learned Advocates of the respective parties. Perused the documents filed on record. Perused the Section 302 of Criminal Procedure Code. This court finds that; the intervenor has no

legal right to participate in this proceeding. He is also not the aggrieved person as defined in Section 199 of Cr.P.C. The intervenor has not stated of which his right has been violated. He has no *Locus-Standi* to make this application. He is also not relatives of Late. Savarkar.

16. As per explanations 1 and 2 of Section 499 of I.P.C. that, the imputation may amount defamation of a deceased person, if it would harm the reputation of that person if living and is intended to be hurtful to the feelings to the family and other near relatives. The intervenor is not family member or other near relatives of Late. Savarkar. This court relies on Judgment of Hon'ble Punjab and Haryana High Court i.e. ***Raj Kumar Saini v. Sant Kanwar***, [2020 SCC OnLine P&H 2165, decided on 02-12-2020]. The Hon'ble Punjab and Haryana High Court has held that "*the person aggrieved must have an element of personal interest, either as the person seeking to defend himself or, in the case of a deceased person, as his family member or other near relative.*"

17. Considering the above discussions and observations, this court finds that, the intervenor did not claim to be a member of the family of late Savarkar or his near relatives. The intervenor who is not of family member or near relatives of Late. Savarkar cannot unilaterally assume unto himself the status of an aggrieved person under section 199 of Cr.P.C. thereby he could assert that his feelings were hurt and maintain the subject complaint against the accused for the alleged offence of defamation.

18. Therefore, this court finds that, the intervenor is not entitled to be impleaded in this case as a party. The presence of intervenor is not necessary. The cross examination of complainant is going on. The intervenor has consumed more and precious time of this court. Therefore, some costs need to be imposed on the intervenor. Considering the above discussions, the application of the intervenor is liable to be rejected. Hence, following order -

ORDER

1. The Intervention Application at Exh. 193 is hereby rejected, subject to payment of costs of Rs. 20,000/- to be deposited with the District Legal Services Authority, Pune, on or before the next date.
2. Application stands disposed off.

(Pronounced in Open Court)



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by AMOL
SHRIRAM
SHINDE
Date: 2026.08.14
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Date : 14.08.2026

(Amol Shriram Shinde)
J. M. F. C. Court No.9, Pune.

CERTIFICATE

“ I affirms that the contents of this PDF file Judgment / Order are same word for word as per the original Judgment / Order.”

Name of the Steno	:	M. S. Kondhare (Stenographer Grade III)
Name of the Court	:	Hon'ble Late A. S. Shinde JMFC Court No.9, Pune.
Date of Order	:	14/08/2026
Order signed by PO on	:	14/08/2026
Order uploaded on	:	14/08/2026