

Neutral Citation No. (2026:JHHC:26746-DB)
THE HIGH COURT OF JHARKHAND AT RANCHI
Acquittal Appeal (DB) No. 15 of 2015
Bimlendu Narayan Ball, son of Late Harinarayan Ball, Head Clerk, A.S.
College, Deoghar, resident of Mahavir Colony, Satsang Nagar, P.O. & P.S.
Deoghar, District Deoghar

... Appellant

Versus

1. State of Jharkhand
2. Dr. Nageshwar Sharma son of Bhubneshwar Sharma, Principal, A.S.
College, Deoghar, resident of Indiranagar, Circular Road, P.O. & P.S.
Deoghar, District Deoghar
3. Ravi Prakash, son of Ramdhari Prasad, Ex-Editor, Prabhat Khabar,
Deoghar, resident of Mauza Jhosagarhi, P.O. & P.S. Deoghar, District
Deoghar
4. Sanjeet Kumar Mandal, son of Upendra Mandal, Reporter of Prabhat
Khabar, Deoghar, resident of Mauza Jhosagarhi, P.O. & P.S. Deoghar,
District Deoghar

... Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant	: Mr. Jayant Kumar Pandey, Advocate Dr. Anwar Hussain, Advocate
For the State	: APP
For the Respondent-2	: Mr. Ranjan Kumar Singh, Advocate Ms. Puja Kumari, Advocate Ms. Ritu Kumari, Advocate
For the Resp.-3 & 4	: Mr. Deepak Kr. Bharti, Advocate

Order No. 16

Dated 29th August, 2026

Rongon Mukhopadhyay, J. : Heard the learned counsel for the respective sides.

2. This appeal is directed against the judgment dated 26.09.2011 passed by the learned Sessions Judge, Deoghar in Criminal Appeal Nos. 50 of 2010 and 51 of 2010, whereby and whereunder, the judgment and order of conviction and sentence dated 30.06.2010 passed by Smt. Sanjeeta Srivastava, learned Judicial Magistrate, 1st Class, Deoghar in P.C.R. Case No. 748 of 2005 convicting the respondents No. 2 to 4 for the offence u/s 500 I.P.C. and sentencing them to undergo simple imprisonment for one year has been set aside.

3. A complaint case was filed by the complainant/ appellant in which it has been stated that the complainant is the Head Clerk of A.S. College, Deoghar and he had worked in the said College for 36 years without any blemish. It has been alleged that the accused persons had published a news item in Prabhat Khabar in which it was mentioned that the complainant has been suspended and a First Information Report has also been lodged against him during the tenure of Dr. H. Narayan, the then Principal of A.S. College, Deoghar. On account of publication of the news item, the prestige of the complainant had been lowered in the society and the complainant had to undergo a great deal of mental stress.

4. After an enquiry was conducted cognizance was taken under Section 500 of the IPC.

Substance of accusation for the offence under Section 500 of the IPC was explained to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.

5. On completion of the evidence of the complainant, the statement of the accused were recorded under Section 313 Cr.P.C. in which they had denied the allegations levelled against them.

6. The learned trial court vide judgment and order of conviction and sentence dated 30.06.2010 passed in P.C.R. Case No. 748 of 2005 had convicted the respondents No. 2 to 4 for the offence u/s 500 I.P.C. and had sentenced them to undergo simple imprisonment for one year. The said judgment and order of conviction and sentence dated 30.06.2010 had been challenged by the respondents No. 2 to 4 in separate appeals being Criminal Appeal No. 50 of 2010 and Criminal Appeal No. 51 of 2010 and vide judgment dated 26.09.2011 passed by the learned Sessions Judge, Deoghar, the judgment and order of conviction and sentence dated 30.06.2010 passed by the learned trial court has been set aside. The complainant being aggrieved with the said judgment has preferred the present appeal.

7. It has been submitted by Mr. Jayant Kumar Pandey, learned counsel for the appellant that the accused persons had not produced any evidence that the appellant/ complainant had gone to jail in any case instituted

against him during the tenure of Dr. H. Narayan. Such false news has lowered the reputation of the complainant in society and has defamed him. The learned appellate court has not considered the materials on record while acquitting the respondents No. 2 to 4 from the charges levelled against them.

8. Mr. Ranjan Kumar Singh, learned counsel appearing for the respondent No. 2 has submitted that the new item was published at the instance of the SDPO and the respondent No. 2 has merely stated about the procedure for verification of the certificates and the person who is accountable for any irregularity in the matter which cannot be said to be defamatory in nature.

9. Mr. Deepak Kr. Bharti, learned counsel appearing for the respondents No. 3 and 4 has submitted that during the pendency of this appeal the respondent No. 3 has died. He has submitted that there has been a considerable delay in filing the complaint petition and no reasons had been assigned with respect to the same. It has also been submitted that the newspaper had not been made a party and no vicarious liability can be fastened upon the respondents No. 3 and 4 who are attached to the newspaper.

The respondent No. 2 was the Principal of A.S. College, Deoghar at the relevant point of time while the respondent No. 4 was the Reporter of Prabhat Khabar. The respondent No. 3 who was an Ex. Editor of Prabhat Khabar as per Mr. Bharti is now no more. The news item has been marked as Ext. 3 and a perusal of the same reveals that SDPO Vipul Shukla had stated that with respect to admission in B.A./ B.Com. stream forged certificates were submitted and the appellant and some other persons were found responsible for such illegal admission. The respondent No. 2 has merely stated that all the certificates are verified by the Head Clerk and if any irregularity is detected, it is the Head Clerk who is held accountable. The report also mentions that earlier also, the appellant was accused of committing irregularities in the admission of 100 students in the College for which an F.I.R. was instituted. The appellant seems to be aggrieved by the

later part of the news item.

10. So far as the respondent No. 2 is concerned, he has merely stated the procedure to be followed at the time of admitting students to the College and the duties and responsibilities of the Head Clerk. If certain irregularities are detected, the liability is fixed upon the Head Clerk, which the appellant was at the time of the incident. This part of the news item is not at all defamatory as it merely touches upon the conduct of the Head Clerk, if admissions are made on the basis of fake certificates. As regards the original respondent No. 4 is concerned, he was a Reporter who had merely published what had been stated by the SDPO. The complainant has not filed any case of defamation against the SDPO which fact has been taken note of by the learned appellate court. The respondent No. 4 was merely a Reporter and the publication of a news item is beyond the purview of a Reporter and the same cannot fasten any criminal liability upon him.

10. On consideration of the aforesaid facts, we do not find any reason to interfere with the impugned judgment dated 26.09.2011 passed by the learned Sessions Judge, Deoghar in Criminal Appeal Nos. 50 of 2010 and 51 of 2010 and consequently we dismiss this appeal. Pending I.As., if any stand closed.

(RONGON MUKHOPADHYAY, J.)

(ARUN KUMAR RAI, J.)

MK
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