

CNR NO.MHMM120197882021

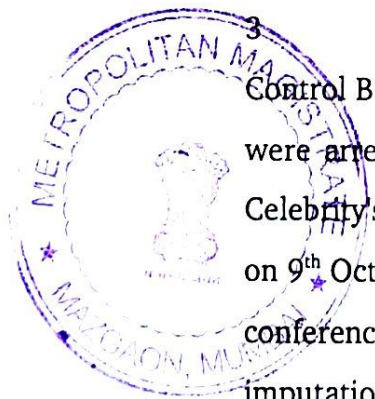
IN THE COURT OF METROPOLITAN MAGISTRATE
25TH COURT, MAZGAON, AT SEWREE, MUMBAI.

ORDER BELOW EXH. 1 IN C.C. No.8108/SS/2021

The complainant has filed complaint against accused alleging that, accused has committed offence punishable under section 500 of the Indian Penal Code.

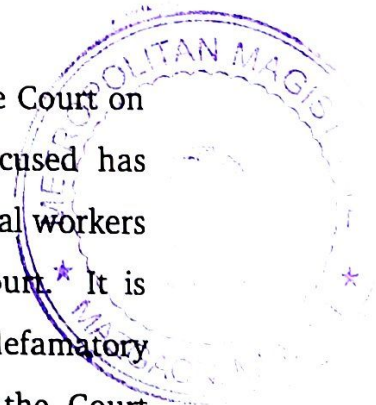
2 The complainant submits that, he is the businessman and has occupied privileged post of being President of the Indian Bullion and Jeweller's Association in the past. He has number of businesses including that of construction, hospitality and ethanol plants under the KBJ Group of companies. It is alleged by the complainant that the accused is the sitting Cabinet Minister, he has grossly misused his dominant position to defame the complainant and his family with highly speculative arguments without any evidence to substantiate his alleged malicious claims.

3 On 2nd October, 2021 raid was affected by Narcotics Control Bureau, Mumbai on Cordelia Cruse Ship and number of persons were arrested for drug consumption and sell. High profile Bollywood Celebrity's son was one of the few arrested in the said raid. Thereafter, on 9th October, 2021 and 11th October, 2021 the accused called for press conference and gave an interview making defamatory and derogatory imputations which was telecasted live on leading television channels as well as social media. The complainant has filed criminal complaint on 26/10/2021 bearing C.C.No.7684/SS/2021. The Court issued process U/sec. 500 of the Indian Penal Code against accused on 08/11/2021.



Prior to that on 07/11/2021 the accused held another press conference making defamatory and derogatory statement against the complainant. It was only to tarnish reputation of the complainant. In that press conference the accused told that *“jo private army hai uska Khamboj bhi ek player hai. Shri Wankhede iss shahar ke andar unka ekhi khel hai ki drug ka khel dhaladalle se chalta rahe. Dekhiye Mohit Kamboj ka saala hai Rrishab Sachdeva jo Aryan Khan ka mitra nahi uske 2 mitra hai Pratik Gava, Amir Furniturewala.... unke jariye Aryan Khan ko waha le jaaya gaya aur 27 taarik ko Fortune Hotel me ye saari private armyship vuyi thi. Fortune Hotel main Vijay Pagare ke naam se room book kiya gaya thaa... wahi jasna manaya gaya tha ki 2/3 taarikh ki bada paisa aane wala hai aur iss khel main Aryan Khan ko le jane main Mohit Khamboj ka khel hai kyunki unke saale ke jariye 2 ladko ke jariya hi Aryan Khan ko waha le jaya gaya.”* The said press conference has been widely published and circulated through the medium of electronic media and social media platform, it is available on the Internet. Therefore, the complainant issued notice to accused on 24/11/2021.

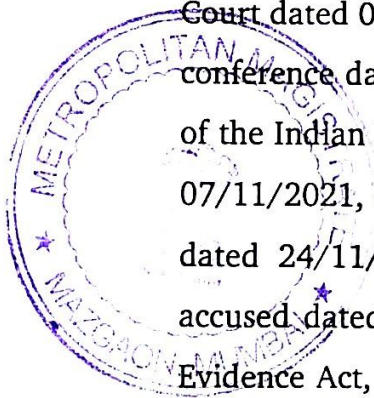
4 The accused was summoned to appear before the Court on 29/11/2021 in C.C.No. 7684/SS/2021. However, the accused has restored to campaign via social media platforms urging political workers and karyakartas to come together in the masses to the Court. It is further alleged that the accused has made false and defamatory allegations against the complainant after stepping out of the Court premises by an interview given to tv9 channel on 29/11/2021. This video is also available on Youtube channel. In the said interview the complainant has been accused of bank frauds to the tune of Rs.1100 Crores without providing any cogent evidence to that effect. He told



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that "Court ke samane Rs.1100 Crores ka fraud ka unka mamala bhi vakil ne rakha, CBI ki chhape ka unper mamala bhi rakha, naam badal ke unhone identity badali hai, pahale Mohit Kambhoj the jab unhone Rs.1100 Crores ka fraud kiya aur jab fraud samane aaya to unhone Mohit Bhati apana naam rak liya." Thereafter the complainant has sent legal notice dated 30/11/2021 to the accused to tender public apology to the complainant. However, the accused did not stop and continued to make false allegations against complainant. The complainant has filed his additional affidavit in C.C.No.7684/SS/2021 explaining the change of his name Mohit Khambhoj to Mohit Bhatia by executing name change affidavit of 27/12/2018. Still the accused continued to defame the complainant by making false, frivolous, malicious allegations and lowered down his image, reputation in the public at large.

5 Heard Ld. Counsel of the complainant at length. I have gone through documents produced on record by the complainant. Documents such as affidavit of the complainant, copy of order of the Court dated 08/11/2021 passed in C.C.No.7684/SS/2021, copy of press conference dated 07/11/2021 in pen-drive and certificate under 65(B) of the Indian Evidence Act, copy of transcript of press conference dated 07/11/2021, copy of legal notice issued by the complainant to accused dated 24/11/2021, copy of video clip in pen-drive of interview of accused dated 29/11/2021 with certificate U/sec. 65(B) of the Indian Evidence Act, copy of transcript of press conference dated 29/11/2021, copy of legal notice addressed to accused dated 30/11/2021, copy of gazette notification regarding change of name of complainant produced on record. It is *prima-faciely* proved that accused Nawab Malik has spoken words in press conference dated 7th November, 2021 and in interview given to TV9 channel. These videos are available on social

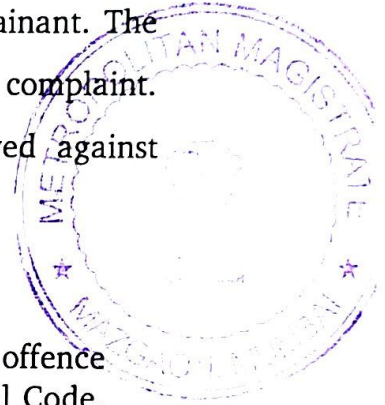


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media platforms such as Youtube. The complainant has also provided links to said video clips on Youtube channel. I have also gone through video clips provided by the complainant in the pen-drive. These documents and video clips produced on record *prima-facie* reveals that, the accused has made defamatory statements against the complainant, so that, it will be seen by public at large. It is also *prima-faciely* proved by the complainant that the words spoken by accused Nawab Malik were such that, it has harmed the reputation of the complainant. The verification statement of the complainant runs with his complaint. Thereby, ingredients of section 500 is *prima-faciely* proved against accused. Hence, I pass following order :-

ORDER

Issue process against accused Nawab Malik for offence punishable under section 500 of the Indian Penal Code, vide section 204(a) of the Code of Criminal Procedure R/o. 30/12/2021.



Date:- 13/12/2021.

(P. I. Mokashi)
Metropolitan Magistrate,
25th Court, Mazgaon, at Sewree, Mumbai.