

News

The Bombay High Court is still awaiting a decision on Rahul Gandhi's request to have his comments on Prime Minister Modi dismissed in a defamation lawsuit.



Before reserving his decision, Justice NR Borkar heard the case.

Rahul Gandhi, the leader of the opposition, filed a plea asking the Bombay High Court to drop a defamation case against him for his comments regarding Prime Minister Narendra Modi. The court on Tuesday deferred its decision.

Before reserving his decision, Justice NR Borkar heard the case.

On August 28, 2019, the Metropolitan Magistrate Court in Girgaon began criminal proceedings against Gandhi in response to a defamation suit brought by Bharatiya Janata Party member Mahesh Hukumchand Shrishrimal.

The complaint claimed that Gandhi had made disparaging remarks about Prime Minister Narendra Modi at a rally he had held in Rajasthan in September 2018.

Numerous news outlets and social media sites purportedly mocked Modi on the internet as a result of the aforementioned slanderous statement.

On August 28, 2019, the magistrate issued an order calling Gandhi to come before him.

After receiving the summons in July 2021, Gandhi opposed this order in the High Court.

During a previous hearing, the High Court asked the Maharashtra Advocate General to help the Court with important legal issues brought up in the plea. AG Milind Sathe spoke before the court today as a result.

Based on Rahul Gandhi's comments on the Prime Minister and the BJP, he distilled the three issues into three main points: does the complaint reveal an offense, does it justify the High Court's intervention, and does a BJP member have the legal authority to bring such a complaint?

Sathe argued that the High Court has very little authority to stop defamation cases after applying the guidelines established in a number of Supreme Court and other High Court rulings.

Since the complaint and the evidence on file reveal a prima facie offense, he reasoned, it cannot be put to the test like a mini-trial at this time.

Sathe further argued that the complainant, a BJP member, is an aggrieved party in this matter, in accordance with Section 199 of the Code of Criminal Procedure and explanation 2 to Section 499 of the Indian Penal Code.

He is therefore entitled to pursue the defamation complaint because of allegedly disparaging statements made regarding the Prime Minister and the BJP as a political entity.

Sudeep Pasbola, a senior counsel for Gandhi, argued against any inference that the comments were not defamatory.

He said that if the statute is interpreted to allow any self-proclaimed “identifiable” member to commit criminal defamation for any remarks made against a political party, it would lead to a plethora of vexatious prosecutions.

Gandhi claimed in his plea, which was submitted through attorney Kushal Mor, that the allegation was baseless, vexatious, and driven only by the complainant's dormant political objective.

He cited the Code of Criminal Procedure's (CrPC) Section 199(2).

According to the law, when a public servant is accused of an offense related to their actions while performing their duties, a sessions court must take notice of the offense.

He contended that Mahesh Shrishrimal, the complainant, was legally prohibited from bringing a complaint because of this clause.

Additionally, it was contended that a political party is not recognized as a group of people qualified to submit a defamation plea under explanation 2 of Section 499 of the Indian Penal Code.

He continued by saying that Shrishrimal was unable to register a complaint in a representative role because of this.

Gandhi therefore requested for the magistrate's order to be overturned.

In his opposition to the petition, advocate Rohan Mahadik, who was representing Shrishrimal, noted that by providing evidence and deposing in support of his complaint, he had established a prima facie case against Gandhi.

He went on to say that after carefully reviewing the complainant's materials, the magistrate issued an order against Gandhi.

The complainant, according to Shrishrimal, was a person who had been wronged.

As a member of the "BJP Maharashtra Pradesh Committee," he noted, the complaint was lodged.

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