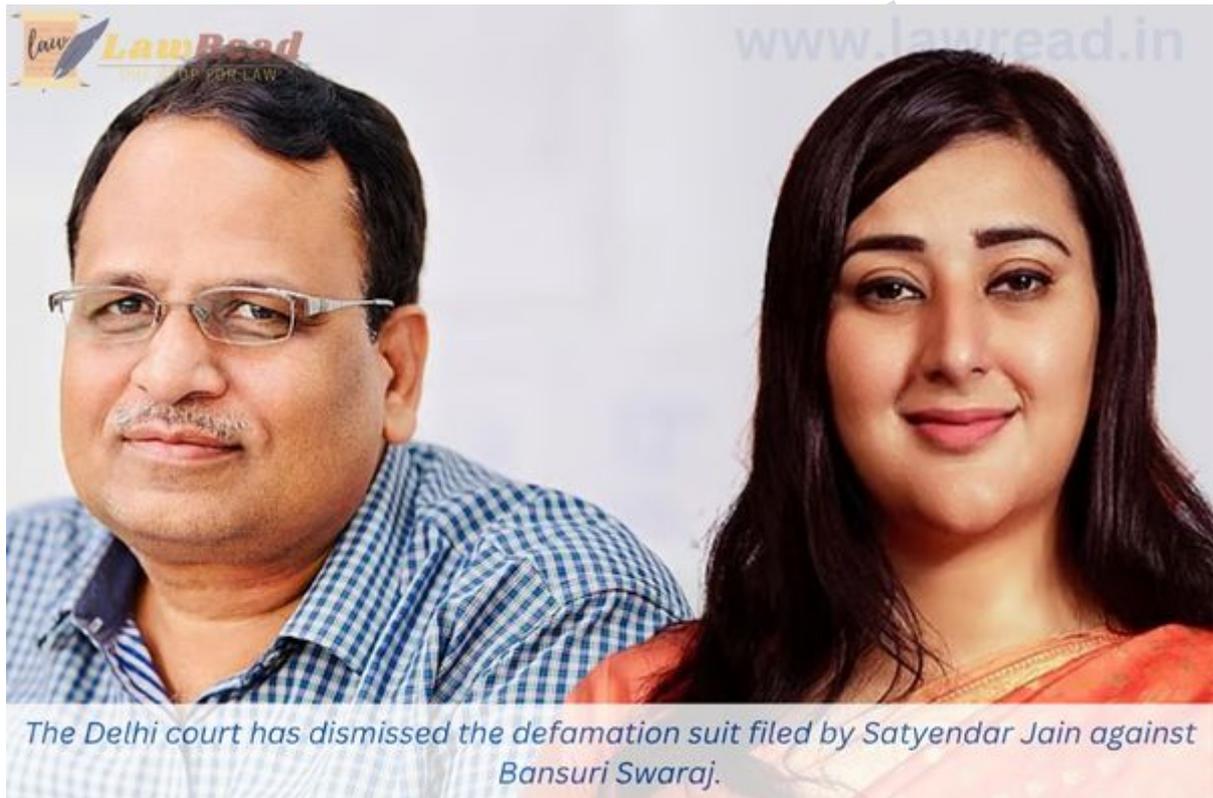


News

The Delhi court has dismissed the defamation suit filed by Satyendar Jain against Bansuri Swaraj.



Jain has sued the BJP MP over her claims that ED found 1.8kg gold, 133 gold coins and ₹3 crore cash from his house.

Jain Satyendar and Swaraj Bansuri

On Thursday, a Delhi court denied Aam Aadmi Party (AAP) leader Satyendar Jain's request to review the decision of the trial court dismissing his defamation suit against Bansuri Swaraj, a member of the Bharatiya Janata Party (BJP), *Satyendar Kumar Jain v. Bansuri Swaraj*.

The revision plea of Jain against the magistrate court's order was rejected by Special Judge (MP/MLA cases) Jitendera Singh of the Rouse Avenue Courts. Singh pointed out that Swaraj's comment was an exact replica of the tweet made by the Enforcement Directorate (ED) through its social media account.

The proposed accused did not have any independent means or obligation to verify the

authenticity of the content, especially as the tweet is about investigative findings from an ED search. No such compulsion has been mentioned or brought to record. The Court reached this conclusion after reviewing the evidence and concluding that the proposed accused did not intend to defame or harm the Complainant (Jain).

Jain has sued Swaraj for defamation over an interview on the news channel in which she said that ED discovered 1.8 kg of gold, 133 gold coins and ₹3 crore cash from his property.

Swaraj's statement was based on a tweet by the ED.

Here is the tweet:

"ED has conducted searches on 6.6.2022 under PMLA, 2002 at the premises of Satyendar Kumar Jain and others. Various damning documents, digital data, cash equal to Rs. 2.85 Crore and 133 gold coins weighing 1.80 kg in total from unexplained source have been seized."

Even though Swaraj claimed that money and gold were found at his residence, Jain maintained that none of these items had been taken from his property, and this was supported by the ED's panchnama.

According to Judge Singh's analysis of the case, the initial interpretation of the ED tweet was that Jain's residence had been the location of the cash seizure.

"Given the admitted fact that no recovery whatsoever was made from the house of the Complainant during the search, the implication conveyed through the tweet stands in stark contradiction to the factual matrix and significantly undermines the accuracy and veracity of the information presented," according to the report.

Therefore, while rejecting Jain's appeal, the Court sent a note of caution to the ED.

The judge added that ED must operate impartially and any transmission of material must be factual, non-misleading and devoid from sensationalism.

"The presentation of facts in a manner that is misleading, scandalous, or intended to defame or politically prejudice an individual would not only undermine the integrity of the agency but may also amount to an abuse of power and violation of the individual's fundamental rights, including the right to reputation under Article 21 of the Constitution," the Court said.