

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1471 OF 2024

AMITA SINGH

APPELLANT(S)

VERSUS

THE WIRE THROUGH ITS EDITOR  
SIDDHARTH BHATIA & ANR.

RESPONDENT(S)

O R D E R

1 The appeal lies in a very narrow compass. On an application filed invoking extra ordinary jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C. '), the High Court in the impugned judgment while finding fault with the reasoning adopted in issuing the summons, went ahead and decided the matter on merit *inter alia* holding that no case of

defamation is made out.

- 2 Though, arguments have been made at length, we are of the view that the High Court has certainly exceeded its jurisdiction. Section 204 of the Cr.P.C., as it then was, merely facilitates a Magistrate who, upon entertaining a private complaint, has to proceed further by issuing summons for which purpose he has to satisfy the existence of sufficient grounds. In such view of the matter, we have no hesitation in setting aside the impugned order.
- 3 Suffice it is to state that the Learned Magistrate has not looked into the actual publication. Law does not prohibit him to look into the same and, on the contrary, he ought to have looked into it before issuing the summons. We may also note that, in any case, the application filed invoking Section 311 Cr.P.C. was also allowed, though subsequently.
- 4 In such view of the matter, without expressing anything on merits, we set aside the impugned order by remitting the issue of summons to the Learned Magistrate after duly taking note of the publication said to have been made by the respondents. It is made clear that we have not expressed anything on merits. While doing so, the Learned Magistrate shall proceed with the matter afresh, without being influenced by any observation made by the High

Court in the impugned judgment.

5 The appeal is disposed of accordingly.

6 Pending application(s), if any, shall also stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
24<sup>th</sup> JULY, 2024

ITEM NO.113

COURT NO.13

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1471/2024

AMITA SINGH

Appellant(s)

VERSUS

THE WIRE THROUGH ITS EDITOR  
SIDDHARTH BHATIA & ANR.

Respondent(s)

(IA No. 206353/2023 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 24-07-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMARFor Appellant(s) Mr. R. P. Gupta, AOR  
Mr. Alok Kumar Rai, Adv.  
Mrs. Omika Dubey, Adv.  
Ms. Neetu Rai, Adv.For Respondent(s) Ms. Nitya Ramakrishna, Sr. Adv.  
Mr. Shadan Farasat, AOR  
Mr. Sarim Naved, Adv.  
Mr. Harshit Anand, Adv.  
Mr. Aman Naqvi, Adv.  
Ms. Natasha Maheshwari, Adv.  
Ms. Mreganka Kukreja, Adv.  
Mr. Abhishek Babbar, Adv.  
Mr. Shadab Azhar, Adv.  
Mr. Prannv Dhawan, Adv.  
Ms. Niharika Srivastava, Adv.Mrs. Ginny J Rautray, Adv.  
Mr. Navdeep Singh, Adv.  
Ms. Devika Thakur, Adv.  
Mr. Ranvijay Singh, Adv.  
Mrs. Kanchan Kaur Dhodi, AORUPON hearing the counsel the Court made the following  
O R D E R

The appeal is disposed of in terms of the signed order.  
Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(Signed order is placed on the file)