

S.C.C. No. 73377/2024

Satyaki Vs. Rahul

ORDER BELOW EXH. 70

Perused the application Exh.70 and say Exh.71. Heard both the Ld. Advocates of the parties. Accused filed this application to produce on record the document and to send matter for further investigation. Complainant filed reply Exh.71 to the application. Perused the application and reply. This court finds that the accused has sought from the complainant Family Tree of his Maternal Parents i.e. Mother Himani. Accused states that Smt Himani Ashok Savarkar is a daughter of Gopal Vinayak Godse, younger brother of Nathuram Vinayak Godse who killed father of nation Mahatma Gandhi and was hanged. The Family Tree of his Maternal Parents is necessary. This court here finds that this case is related only to alleged defamatory speech made by accused in London against Vinayak Damodhar Savarkar. The complainant is a grandson of one of the brothers of Late Shri Vinayak Damodhar Savarkar. Section 199 (1) of Cr.P.C. says that No Court shall take cognizance of an offence punishable under Chapter XXI of the Indian Penal Code (45 of 1860), except upon a complaint made by some person aggrieved by the offence... The complainant seems to be an aggrieved person. Therefore, he has filed this private complaint. Burden of proof lies on him. He has to prove his case beyond reasonable doubt. If he fails to prove the case then accused would be entitled to be acquitted. The

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case is not related or Family Tree of Late Smt. Himani Ashok Savarkar is not disputed in this case. Therefore, this court does not find any merits in the application of the accused. There is also no need to send matter for further investigation. Hence the application sans merits and same is liable to be rejected. Hence following order.

ORDER

Application Exh.70 is hereby dismissed.

Pune

(Amol Shriram Shinde)

Date : 28/05/2025

Judicial Magistrate First Class, Pune.

(Court No. 9)