

IN THE COURT OF JUDICIAL MAGISTRATE OF THE FIRST CLASS-I,
CHERTHALA

Present:-Smt. Sherin K George, Judicial Magistrate of the First Class-I
Dated this the 15th day of September, 2025

C. C. No.2227/2017

Complainant : K. P. Sasikala @ Sasikala Teacher,
W/o. Vijayakumaran, Gokulam,
Maruthoor P.O, Melepattambi,
Ongaloor-1 Village, Palakkad - 679306.

Accused : Rajmohan Unnithan, aged about 60
years, Kaambiyil, Mudra-2, Mudavan
Mukal, Poojappura, Thiruvana-
nthapuram-12.

Offences : under sections 499 and 500 of IPC

Plea : Not guilty

Finding : Not guilty

Sentence/order : Accused is acquitted u/s.255(1) of Cr.P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's/ Husband's name	Occupation	Residence	Age
1	Rajmohan Unnithan	Kaambiyil, Mudra-2, Mudavan Mukal, Poojappura, Thiruvana nthapuram-12.	60/ 2017



DATE OF: -

Occurrence	Complaint	Appearance	Released on bail	Commencement of trial	Close of trial	Sentence or order
02/10/2017	28/10/2017	14/02/2019	14/02/2019	14/02/2019	11/09/2025	15/09/2025
Service of copy of judgment or finding			Explanation for delay.			
....					

This case having been finally heard and this day the court delivered the following:

J U D G M E N T

1) Accused stands of trial for-offence punishable u/s499 and 500 of the Indian Penal Code.

2) **The gist of the complaint is as follows:-**The complainant claims that defamatory statements were made against her during a televised debate program titled "Counter Point" aired on Manorama News on 2.10.2017 at 8:00 PM. The complainant, a public figure and educator, alleges that A1, a political leader, referred to her as a "poisonous creature" and falsely stated that her speech led to the killing of a child in Kasaragod. It is further alleged that A2, the anchor of the program, endorsed the statement, and A3, the media organization, broadcasted the defamatory content to the public, thereby causing reputational harm and mental distress. and he thereby committed the offence punishable u/s499 and 500 of the Indian Penal Code.

3) Upon filing of the complaint, the court took cognizance only against A1. No cognizance was taken against A2 and A3. The accused appeared on summons, and he was enlarged on bail. Copies of relevant prosecution records were furnished to him u/s 207 of Cr.P.C. After the recording plea of first accused for the offence punishable U/s. 499 and 500 of the Indian Penal Code, read over and explained to the accused to which the accused pleaded not guilty and claimed to be tried.

4) The complainant examined herself as PW1. Four additional witnesses, PW2 to PW5, were also examined. The only documentary evidence produced was marked as Exhibits P1 to P3, consisting of legal notices sent to the accused. On the basis of the prosecution evidence accused was examined u/s 313(1)(b) of Cr.P.C. through his counsel as per the guidelines directed by Honorable supreme court in Basavaraj R. Patil & Others v. State of Karnataka & Others Reported in (2000) 8 SCC 740. He denied all the incriminating circumstances against him and maintained innocence. From the side of defence, no evidence was adduced.

5) Heard both sides.

6) On going through the materials on record, the following points are formulated for consideration:-

1. *Whether the statements allegedly made by Accused No.1(A1) during the televised program amount to a defamatory imputation as defined under Section 499 IPC?*

2. Whether the said statements were published or communicated to third parties in a manner that satisfies the requirement of "publication" under S 499 IPC?

3. Whether the statements were made with intent, knowledge, or reason to believe that they would harm the reputation of the complainant?

4. Whether the complainant has suffered actual reputational harm or mental distress as a result of the alleged statements?

5. Whether the accused is entitled to benefit of any of the exceptions provided under Section 499 IPC, such as fair comment, truth for public good, or lack of malicious intent?

6. If found guilty what shall be the sentence?

7) **Point Nos.1 to 5:-PW1 (Complainant)** deposed that she is a respected educator and public figure, serving as the Kerala State President of Hindu Aikya Vedi. She stated that A1 made defamatory remarks during the televised debate, calling her a "poisonous creature" and falsely alleging that her speech led to the death of a child in Kasaragod. She further stated that A2, the anchor, encouraged the remarks, and A3 broadcasted them to a wide audience, causing her mental distress and reputational harm.

8) **PW2**, a journalist with Janmabhumi, testified that he watched the program and was shocked by the derogatory remarks made by A1. He confirmed that the statements were defamatory and deeply troubling, especially given the complainant's status as a teacher and public figure.

9) **PW3** stated that he was familiar with the complainant and the accused, and confirmed that A1 made the defamatory remarks during the program. He described the statements as offensive and damaging to the complainant's reputation.

10) **PW4** testified that he knew both the complainant and A1, and confirmed that the remarks made during the program caused public disrespect toward the complainant. He described her as a well-regarded figure and stated that the statements led to reputational harm.

11) **PW5**, an anchor with Manorama News, confirmed that he hosted the "Counter Point" program on 2.10.2017. He acknowledged that A1 participated in the debate but stated that he could not recall the specific remarks made. He did not confirm whether any defamatory statements were made against the complainant.

12) To sustain a conviction under Section 500 IPC, which prescribes punishment for defamation, the prosecution must first establish the foundational ingredients of **Section 499 IPC**, which defines defamation. Once those are satisfied, the following elements must be proved beyond reasonable doubt:

1.Existence of a Defamatory Statement:The statement must be shown to be false, derogatory, and capable of lowering the reputation of the complainant in the eyes of reasonable members of society. It must be more than mere criticism or opinion—it must impute conduct or character that invites public contempt.

2.Reference to the Complainant: The statement must clearly refer to the complainant, either by name, implication, or context. Vague or general statements not directly linked to the complainant do not attract criminal liability.

3.Publication to Third Parties: The defamatory statement must be communicated to someone other than the complainant. In cases of slander (spoken defamation), this typically requires proof of public utterance or broadcast.

4.Intent or Knowledge of Harm: The accused must have made the statement with the intention to harm the complainant's reputation, or with knowledge or reason to believe that such harm would result. Mere negligence or casual remarks without mens rea do not suffice.

5.Actual Harm or Likelihood of Harm: The statement must have caused actual harm to reputation or created a reasonable likelihood of such harm. Courts often look for evidence of public reaction, social backlash, or professional consequences.

6.Absence of Exceptions under Section 499: The prosecution must also rebut any defenses or exceptions claimed by the accused under Section 499 IPC, such as truth for public good,

fair comment, or privileged communication.

13) So, let me analyse whether the evidence on record is sufficient to attract the offence as alleged. In the case on hand, it is true that while PW2 to PW4 have supported PW1's version, but whether it aids the PW1 is to be looked into why because, it is noted that that these witnesses are either professional associates or ideological sympathizers of the PW1 which is admitted during their cross examination.

14) PW5, the anchor of the program in question, was examined as a material witness. However, he did not confirm the specific defamatory content alleged by PW1. He acknowledged hosting the debate and the participation of A1 but expressed inability to recall whether any such remarks were made. This omission is critical, as PW5 was in a position to either corroborate or refute the central allegation of defamatory utterance during the broadcast.

15) Furthermore, the documentary evidence relied upon by PW1 which is marked as Exhibits P1 to P3 consists solely of legal notices sent to the accused. These documents reflect the complainant's grievance and her assertion of reputational harm. However, they do not constitute primary evidence of the alleged defamatory statements. There is no certified video recording, transcript, or broadcast log produced to establish the actual content of the program or the context in which the statements were made.

16) In the absence of such material, the court is left with uncorroborated oral testimony and subjective claims of injury. In a

prosecution for criminal defamation, especially under Section 500 IPC, the burden lies on the complainant to prove not only that the statements were made and published, but also that they were false, malicious, and capable of lowering her reputation in the eyes of reasonable members of society. The failure to produce direct evidence of publication or independent corroboration renders the case speculative and insufficient to sustain a conviction.

17) It is noted from the materials on record that the complainant (PW1) took steps to summon PW5, the anchor of the televised program "Counter Point," as a material witness. While the summoning itself reflects due diligence on the part of the complainant, a closer scrutiny of the process reveals a significant procedural deficiency. Upon perusal of the summons and the deposition of PW5, it becomes evident that no specific direction was issued to PW5 to produce any documentary evidence, nor was there any explicit call for the video recording or transcript of the program in which the alleged defamatory statements were made. The summons appears to have been limited to securing his oral testimony, without invoking his custodial role over the broadcast material.

18) In cases involving alleged defamation through mass media, the video recording or transcript of the broadcast constitutes primary evidence. In criminal defamation proceedings, especially under Section 500 IPC, the burden lies on the complainant to establish publication and content of the defamatory imputation. Here the complainant did not pursue any remedies such as filing an

application under Section 91 CrPC for production of documents or seeking certification from the Ministry of Information & Broadcasting or NBSA and taking any steps for examining technical staff or custodians of records from the media house called Manorma News Channel.

19) In the absence of such steps, the court is left with oral testimony and legal notices, which, though indicative of grievance, do not meet the threshold of proof beyond reasonable doubt required for conviction under Section 500 IPC. It is the most direct and objective means of verifying the content, context, and tone of the statements attributed to the accused. The failure to seek production of such material from concerned News Channel would reasonably be expected to have access or knowledge of such records represents a fatal omission on the part of the complainant. Moreover, PW5, when examined, stated that he could not recall whether the specific remarks were made during the program. In the absence of a recording or transcript, his inability to confirm or deny the defamatory content leaves the court without any independent or documentary corroboration of the central allegation.

20) This procedural lapse undermines the complainant's case, as it deprives the court of the opportunity to assess the alleged statements in their full context. It also weakens the claim of publication, which is an essential ingredient under Section 499 IPC. The mere oral assertion of defamatory utterance, unsupported by broadcast records or neutral testimony, cannot suffice to attract

criminal liability under Section 500 IPC. In **Subramanian Swamy v. Union of India**, (2016) 7 SCC 221, the Hon'ble Supreme Court held that criminal defamation must be proved with clear evidence of harm to reputation. In **S. Khushboo v. Kanniammal**, (2010) 5 SCC 600, it was emphasized that mere subjective perception of insult is insufficient. In **M.A. Rumugam v. Kittu**, (2009) 1 SCC 101, the Court held that absence of publication and independent corroboration are fatal to a defamation prosecution. The complainant has failed to produce primary evidence of the alleged defamatory broadcast.

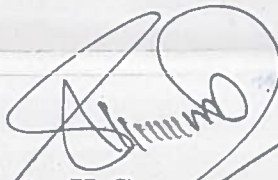
21) The oral testimony is not independently corroborated. The legal notices show grievance but do not establish publication or content. The court finds no sufficient material to conclude that A1 made the statements with intent to harm reputation. It is pertinent to take note that the absence of neutral or disinterested witnesses such as members of the general public, viewers of the program, or professionals unaffiliated with PW1, significantly weakens the probative value of the oral evidence of PW1 to PW4. The prosecution has failed to discharge the burden of proof beyond reasonable doubt.

22) In view of the above discussion and in light of the judicial precedents cited, the court finds that the complainant has not established the ingredients of Section 499 IPC. Accordingly, A1 is entitled to the benefit of doubt. Considering the evidence on yardstick of probabilities, its intrinsic worth, animus of witness, I am of the view that the prosecution has failed to bring any evidence to link the accused with the offences in any manner so as to establish his guilt

for the offence punishable under section 499 and 500 of IPC. Hence, the above point is found against the prosecution.

23) **Point No.6:-**In the result, accused No.1 is found not guilty of the offence u/s.499 and 500 of the Indian Penal Code and accused No.1 is acquitted for the said offence u/s.255(1) of Cr.P.C. His bail bond stands cancelled and he is set at liberty. No further action is warranted against accused Nos.2 and 3, as cognizance was not taken.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 15th day of September, 2025.


Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.

APPENDIX

Witnesses for Prosecution:

PW1 : K P Sasikala
PW2 : Asha Mukesh
PW3 : Sathyanarayanan
PW4 : Jyothish
PW5 : A Ayyappadas

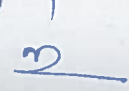
Exhibits for Prosecution:

P1 : Copy of Lawyer's notice marked through PW1
P2 : Postal Receipts (3 numbers) marked through PW1
P3 : Acknowledgment card (3 numbers) marked through PW1

Defence witness: Nil

Defence exhibit: Nil


Sherin K George,
Judicial Magistrate of the First Class-I,
Cherthala.

True Copy
Checked by 

BY ORDER


JUNIOR SUPERINTENDENT