

DLSE020002472006



IN THE COURT OF SH. RAGHAV SHARMA, JMFC-06, SOUTH EAST DISTRICT, SAKET COURTS, NEW DELHI

V K SAXENA

VS.

MEDHA PATKAR

CC NO:

618973/2016

U/s

500 IPC

JUDGMENT

Date of its institution : 20.05.2010

Name of the complainant : V K Saxena,
President National Council of Civil
Liberties, 401, Vraj Avenue, C-2,
Swastik Society, Navrangpura,
Ahmedabad.

Date of Commission of offence : 20.04.2006

Name of the accused : Medha Patkar,
D/o Sh. Vasant Khalolkar,
R/o C/O Narmada Bachao Andolan,
Nawalpura, Badwani, Madhya
Pradesh-451551.

Plea of accused : Not Guilty

Case reserved for orders : 10.11.2025

Final Order : Acquitted

Date of orders : 24.01.2026

**IN THE COURT OF SH. RAGHAV SHARMA, JMFC-06, SOUTH EAST DISTRICT, SAKET
COURTS, NEW DELHI**

S. NO.	TOPIC	PAGE NUMBERS
1.	FACTS OF COMPLAINT IN BRIEF	3-4
2.	DATES & PROCEEDINGS BEFORE THE COURT	4
3.	FACTS IN ISSUE	4-5
4.	EVIDENCE OF COMPLAINANT/CW1	5-11
5.	EVIDENCE OF CW2	11-13
6.	EVIDENCE OF CW3	13-17
7.	EVIDENCE OF CW4	17-19
8.	JUDGMENTS RELIED BY LD. COUNSEL FOR COMPLAINANT	19-20
9.	JUDGMENTS RELIED BY LD. COUNSEL FOR ACCUSED	20-21
10.	FINDING ON FACTS IN ISSUE	21-30
11.	JUDGMENT	31

COMPLAINT IN BRIEF

1. The complainant was the President of an organization namely National Council of Civil Liberties (herein after referred as “NCCL”) which is a registered charitable trust. The said NCCL is also a recognized Non Governmental Organization (NGO) by the Government of India. NCCL has since its formation around 1991 has actively taken issues of national importance against monolithic PSU(s) Pvt. Companies, Central and State Governments. As an individual and as a President of NCCL, complainant was keen to see water of Narmada flow in Gujarat and Rajasthan. In said pursuit NCCL adopted villages in Bhall region of Gujarat which was driest.

2. On 20.04.2006 complainant was called by India TV anchor namely Nirnay Kapoor and was informed that one Mr. Rajat Sharma was planning a programme called “Breaking News” on the activities of “Narmada Bachao Andolan”. Complainant participated in the telecast on 20.04.2006 at 09:00 PM. In the said programme accused stated “*V. K. Saxena naam ke ek admi ne kuch salon pahle mere khilaf akhbaron me adha-2 page ke vigyapan diye the, jo purane patrakar hai unko malum hoga. 2000 ke saal me mene unke khilaf, delhi ke ek court me badnami ka a dawa lagaya hai jo abhi tak chal raha hai. Lekin V. K. Saxena ne baat ki National council of civil liberties ki lekin unhe mile sardar sarovar se sambhandit civil ke contracts, sardar sarovar se sambhandit civil ke contracts (repeated). Mai CD lekar ap sabke*

samne kisi bhi waqt prove karne ke liye tayar hun”.

3. The complainant issued notice dated 29.04.2006 asking the accused to provide true copy of the said CD of which the accused claimed to be in possession and to substantiate the existence of truth in her averments, allegations and aspersions casted by her through above noted utterance in the above said programme. The said notice was served on 05.05.2006 but no response was received. As the complainant was defamed by such utterances, he filed the present complaint case against the accused.

DATES & PROCEEDINGS BEFORE THE COURT

4. On 20.05.2010 the present complaint was received by Ld. CMM, Delhi from the court of Ld. CMM Ahmedabad pursuant to the order of Hon'ble Supreme Court dated 05.02.2010. Notice under section 251 Cr.P.C was framed on the accused on 09/07/2018 in which she pleaded not guilty and claimed trial.

FACTS IN ISSUE

5. From the allegations of the complainant following facts emerge as facts in issue:-

Fact in issue no. 1: That the accused while being a panelist in an interview telecasted by IndiaTV on 20.04.2006 spoke and uttered that “V. K. Saxena naam ke ek aadmi ne kuch saalon pehle akhbaro mein hamare khilaf aadha

aadha panne ke vigyapan diey thay purane patrakaar hain unko maloom hoga" and "2000 saal mein unke khilaf hamne delhi ke court mein badnami ka dava lagaya hai jo abhi tak chal raha hai. Lekin V. K. Saxena ne naam liya National Council of Civil Liberties ka aur unhe contracts mile Sardar Sarovar Nigam se Civil ke civil contracts mile sardar Sarovar ke sambandhit. Main iske baad CD lekar aapke samne kabhi bhi sabit karne ke liye tayyar hoon".

Fact in issue no. 2: The accused by speaking as such made/published an imputation concerning the complainant.

Fact in issue no. 3: That accused intended to harm or knew or had reason to believe that such imputation will harm the reputation of complainant.

EVIDENCE OF COMPLAINANT/CW1

6. Complainant/CW1 deposed that he is the founder president of National Council for Civil Liberties (NCCL), an NGO which was founded by CW1 in 1991. It is a registered institution under the Societies Registration Act as well as Public Trust Act. It is also recognized by the Ministry of Law and Justice, Department of Company Affairs, Government of India. NCCL is a multi dimensional social organization working for consumer protection, water conservation and Environmental protection etc. NCCL has taken in the past various issues of national importance and created awareness about the water conservation, environment protection, consumer protection etc. and fought cases against PSUs, private companies, individual etc.

7. In his examination in chief the complainant further stated that he, as an individual and as a President of NCCL, is keen to see the water of Narmada flow in Gujarat and Rajasthan. NCCL has adopted villages in the Bhall region of Gujarat which is driest and undertook the work of ponds deepening to conserve water. He further deposed that he was the Chairman of Khadi and Village Industries Commission, Government of India. The booklet showing the work undertaken by NCCL is already on record which is Ex.CW-1/A.

8. In his examination in chief, the complainant further stated that on 20.04.2006, he was called by India TV anchor namely Nirnay Kapoor and he informed CW1 that Mr. Rajat Sharma is planning a programme called "Breaking News" on the activities of "Narmada Bachao Andolan" and CW1 was requested to participate in the said programme as a panelist. Thus, programme was live telecasted on 20.04.2006 at 9.00 p.m. Besides CW1, accused was also a panelist in that programme.

9. In his examination in chief, the complainant further stated that in the said programme, several criminal and illegal activities of Narmada Bachao Andolan were discussed and shown. During the programme, Mr. Rajat Sharma showed a video to CW1 in which the accused was saying "*V. K. Saxena naam ke ek admi ne kuch salon pahle mere khilaf akhbaron me adha-2 page ke vigyapan diye the, jo purane patrakar hai unko malum hoga. 2000 ke saal me mene unke khilaf, delhi ke ek court*

me badnami ka a dawa lagaya hai jo abhi tak chal raha hai. Lekin V. K. Saxena ne baat ki National council of civil liberties ki lekin unhe mile sardar sarovar se sambhandit civil ke contracts, sardar sarovar se sambhandit civil ke contracts (repeated). Mai CD lekar ap sabke samne kisi bhi waqt prove karne ke liye tayar hun". CW1 immediately, in the same programme denied these allegations and said that he never received any civil or any other contract from Sardar Sarovar project and he also said that this is a defamatory statement and he will file a case against the accused for using this platform against CW1. Statement of accused was defamatory per-se issued recklessly without any iota of evidence.

10. In his examination in chief, the complainant further stated that on 29.04.2006 through his Advocate Sh. T. S. Nanawati, he sent a legal notice to the accused which is already Ex.CW-1/2 which was sent through registered post vide postal receipt Ex.CW-1/3. In the said notice, CW1 requested the accused to provide the so-called CD which the accused claimed to have in her possession about him getting civil contracts from Sardar Sarovar. Till date, the accused have not provided any evidence which she claimed in the India TV programme. The accused has not replied to that notice also. CW1 further deposed that after not receiving any response from the accused, CW1 filed a criminal complaint against the accused which is Ex.CW-1/4 on 29.06.2006. Complaint of CW1 was enquired into pursuant to the order of the court. A report was filed by the police Ex.CW-1/5 (colly running into 55 pages).

11. In his cross examination, complainant/CW1 stated:

"It is correct that I have never received any contract from Sardar Sarovar Nigam of a single rupee. It is true that in the video I have stated that I have not received any contract of a single rupee from any government. (Voltd. that statement was in the context of civil contract with respect to Sardar Sarovar Nigam). It is correct that the Sardar Sarovar Nigam Ltd. is undertaking of Government of Gujarat.

It is correct that in booklet Ex.CW-1/A from point A to A, it is mentioned that the irrigation Department of Gujarat had contributed 60% of the cost of the job of deepening of village ponds NCCL undertook in two villages of Bhavnagar District in April 2000. (Voltd. That there is a scheme of Gujarat Government for deepening of ponds; my NGO NCCL had contributed 20%; the villages had contributed 20%; the Gujarat Government contributed 60% which was given to the society formed by the villagers not to me). I do not remember till when these projects continued.

The witness is shown copy of document of the complainant's profile which is now Ex.CW-1/D1. It is correct that this profile is available on the official website of KVIC. It is correct that as per this profile, I have worked till 2005 in the Bhaal region of Bhavnagar district. (Voltd. That Dholera port project was coming up in that region and JK Group has a policy of doing social activities in the area where the projects are coming). I was CEO of J K Group. When I joined KVIC, I had left as Director of JK Group. I worked as CEO of J K Group probably from 2005 to 2010. It is correct that in July 2004 NCCL and Ahmedabad Municipal Corporation launched "Mission Endure". It is incorrect to suggest that the project was of 105 crores. It is correct that the project aimed at reducing dust in Ahmadabad city by paving the footpath.

Q. How much was the costs involved in the said project?

Question disallowed being irrelevant.

It is incorrect to suggest that Mission Endure was in fact a Rs.105 crores project. It is correct that Ahmedabad Municipal Corporation was to initially contribute only 25% of this amount but later it contributed 50% cost of the project. (Voltd. That the money has not come to my pocket as it was a contributed project).

Q. Would you call paving roads/footpath, pond deepening and silt removal, a civil works project?

Question disallowed being irrelevant.

It is correct that Mr. Dilip Shah was an Executive Committee member of NCCL. It is correct that Arvind Parik was known to me through Dilip Shah as Arvind Parik was a close friend of Dilip Shah. It is correct that Hiran Jaweri was employed with J K Cement. I do not remember when he was employed and when he left. Hiran Jaweri was not directly my subordinate. He was indirectly my subordinate.

The witness is shown document now Ex.CW-1/D2 which is English translation of statement of Hiran Udanbhai Jaweri recorded by the police dated 01.10.2006 file by me before this court. The said statement of Hiran Jaweri is part of document Ex.CW-1/5 i.e. the inquiry conducted by the police in Gujarat language.

It is incorrect to suggest that Hiran Jaweri was working with NCCL from 1999 till

filing of the present complaint.

The witness is shown booklet Ex.CW-1/A from point B to B. It is correct that as per this portion, NCCL had conducted SSP dam study with Earth Center Dehradun in March, 2001.

The witness is shown the document Ex.CW-1/D1 from point A to A wherein it is mentioned that this study was conducted with Earth Center Hyderabad. (Voltd. That Earth Center has office in Hyderabad also). I do not remember if this information was available on the website of NCCL. No government organization authorized me to conduct this study.

It is incorrect to suggest that it is illegal to conduct a satellite imagine study without government approval. It is incorrect to suggest that satellite image study of SSP dam could not have been conducted unless it was commissioned and authorized by Sardar Sarovar Nigam Ltd. (Voltd. That anyone can get such a study conducted on payment).

In the Ahmdabad studio, except me and Nirnay Kapoor, no one else was there except the staff. I cannot say if Nirnay Kapoor was on air.

It is correct that English translation of my verification statement (statement on oath) recorded by Metropolitan Magistrate, Ahmdabad dated 29.06.2006 is on record. The same is now exhibited as Ex.CW-1/D3. Similarly, English translation of my statement recorded by police dated 09.09.2006 is on record. It is now Ex.CW-1/D4. These two statements in Gujarati forms part of document Ex.CW-1/5.

It is incorrect to suggest that I have given different version of the incident at different places. I have seen the entire video Ex.CW-1/6. I cannot say if my interview in this video is of 10-11 minutes. I do not remember if my video starts at 17.26 minutes to 28.18 minutes. I cannot say that accused Medha Patkar appears only for one minutes and 17 seconds in the entire video. I cannot say that even this time comprises of only two clips of 14 seconds and 38 seconds which have been repeated twice in a video. It is correct that the interview was conducted primarily PIL filed by me in the Supreme court against the accused at Narmada Bachao Andolan. It is correct that I have not given any notice to India TV in this case. (Voltd. That since the programme was of India TV, I did not give any notice). The footage in question was provided to me by India TV. I cannot say if there is any document on record to show that the footage was provided to me by India TV. It is wrong to suggest that I was not provided the footage by India TV. It is correct that even in the police complaint Ex.CW-1/5, there is nothing to show that the footage was authenticated by India TV. (Voltd. that that was the duty of the IO). It is incorrect to suggest that the contents of the video footage Ex.CW-1/6 are highly manipulated and cobbled together by combining together clips from various sources. I cannot say whether the video footage Ex.CW-1/6 contained the entire programme but the same was provided to me by India TV. I cannot say if there are time lapses that the lapses in the video at 4:52 to 4.55, 5.02 to 5.05, 5.26 to 5.28, 8.39 to 8.40, 8.51 to 8.52, 9.50 to 9.53, 14.13 to 14.17. (Voltd. That I was provided the footage by India TV and I cannot answer about these lapses, if any). I cannot say that the first three seconds of videos are blank and the videos are abrupt. I cannot say if there are repetition in the video at several placed. (Voltd. That I cannot comment on it).

It is correct that as per Ex.CW-1/D1, in May 2007, I went to Dubai International Award constituted by UN HABITAT FOR BEST PRACTICES . I do not remember if this award

was for the year 2006 or 2007. It is wrong to suggest that neither I nor NCCL nor Mission Endure have not received this award either in the year 2006 or 2007. I cannot say if no such award was given in the year 2007. (Voldt. That copy of my certificate is already on the website of NCCL which is still functioning). It is wrong to suggest that since I became the KVIC Chairperson, website of NCCL has not been functioning. It is wrong to suggest that as per UN habitat public records, the award was given to 12 organizations of which neither I nor NCCL nor Mission Endure was a part. I do not have any knowledge whether in the year 2006, in fact only one project from India namely Ahmedabad Slum Networking programme which was the joint project of Ahmedabad Municipal Corporation and two other organization named World Vision and Sathi won the UN Habitat Dubai International Award.

Q. I put to you by showing two documents of UN Habitat Best Practices Database that neither you nor NCCL nor Mission Endure receive the award in 2006 and 2007?

Question disallowed being irrelevant.

It is wrong to suggest that I have made false claim of my official KVIC profile. It is wrong to suggest that I have never received any award or felicitation from UN Habitat, UNESCO, UNDP, UNICEF.

I do not remember but probably it was day time when the accused is seen in a clip played during the programme. I cannot say if there was any day or time mentioned in the video clip in which accused was seen. I also cannot say if name of any reporter is mentioned in the said clip. I do not know whether the video clip of the accused played during the alleged TV programme or India TV was part of a longer video or not. I never asked India TV for a complete footage of the entire video of which the said clip formed a part.

Q. Is it correct that from the video clip of 38 seconds played during the programme which according to you is relevant and forms part of video footage Ex.CW-1/6, nowhere shows in what context the statement was made by the accused; what was the said before or after the video by her and to which question she was giving reply?

Question disallowed being a matter of record.

It is correct that there are several advertisements concerning Medha Patkar and Narmada Bachao Andolan in booklet Ex.CW-1/A. I do not remember if these advertisements were published as many as 30 times between November 2000 to July 2001. It is correct that some of the advertisements are half page and some are quarter page. It is correct that I have questioned the funding of NBA and accused in some of these advertisements. I do not remember how much expenses are incurred in publishing these advertisements. (Voldt. That our accounts are audited). No source of funding for publication of these advertisements is mentioned in booklet Ex.CW-1/A. It is correct that some of the advertisements mention "Space donated by a patriot". I cannot tell name of any such patriots. The source of funding of NCCL is in public domain as NCCL is a registered organization and we submit our audited balance sheet to the registrar of societies. No source of fund is mentioned in booklet Ex.CW-1/A. I cannot tell names of any individual and organization who provided funds to NCCL from 2000 to 2006.

It is wrong to suggest that the programme of India TV of which footage Ex.CW-1/6 is on record, was based entirely on writ petition filed by me before the Hon'ble Supreme Court. (Voldt. that it was partly based on writ petition but India TV has also carried out their own investigation). It is incorrect to suggest that I am deposing falsely. It is correct that while dismissing my writ petition, a cost of Rs.5000/- was imposed on me by the Hon'ble Supreme

Court. (Voltd. That there were findings against the accused also).

The witness is shown certified copy of judgment dated 10.07.2007 in WP(C) no.69/2006 of the Hon'ble Supreme court of India which is now Ex.CW-1/D5.

Q. Is it correct that there are observations against this writ petition in para no.35?

Questions disallowed being a matter of record. Further, all questions regarding contents of the judgment are disallowed.

This judgment was never challenged.

It is correct that I am currently facing trial for attacking Ms. Medha Patkar in Sabarmati Ashram Ahmdabad in April 2002 and have been charged under Section 143/147/323/341/506 IPC. It is correct that reference to the said case has not been made in the present complaint case. I do not remember if the said case was referred / disclosed to in the writ petition before the Hon'ble Supreme Court.

It is correct that Bhall region of Bhav Nagar district in Gujarat comes under SSP command area. I cannot say if Sardar Sarovar Nigam is responsible for development of SSP command area. I cannot say whether command area development include activities like plantation, levelling, bunding, ground water recharging through various means such as pond deepening.

It is incorrect to suggest that I and my organization NCCL have been targeting the accused and NBA since 2000. (Voltd. That we are exposing the activity of NBA). It is incorrect to suggest that the accused has been working tirelessly for the welfare of people and just rehabilitation of people who have been displaced by Sardar Sarovar Project. It is incorrect to suggest that I have built my so called reputation as a social activist by harassing, defaming and by filing false case against Medha Patkar and filing motivated cases against public sector companies. It is incorrect to suggest that no legal notice was ever served against the accused. It is incorrect to suggest that I am deposing falsely.

The witness has pointed out that the word "went" at first page, in the first line of second paragraph, be read as received. He further stated that the word "my" in second line of second page should be deleted. He stated that he had deposed that he was unable to remember the names of individuals and organization who provided funds to NCCL from 2000 to 2006 (objected by the Id. defence counsel). Lastly, he stated that he had referred to another judgment of Hon'ble Supreme Court where there were adverse remarks against accused (objected by the Id. defence counsel)."

EVIDENCE OF CW2

12. CW2 deposed that he had given a statement dated 01.10.2006 to the IO which is Ex. CW2/1. CW2 has seen the Ex. CW1/D2 i.e. the exact translation of his statement Ex. CW2/1. Statement of CW2 dated 01.10.2006 and its translation is true

and correct.

13. In his cross examination, CW2 stated:

"I am working with GLS University, Ahmedabad as an Administrative Officer. I was working in NCCL from 1999 till around 2007-08. However, it was honorary services. I mean to say that I was an volunteer and not an employee of NCCL during this period. It is correct that in CW1/D2, it is mentioned that I was serving as Field Officer at NCCL. Vol. The designation of field officer was given to the volunteers as they had to represent NCCL at various forums. I was employed with J K White Cement as Junior Liason Officer during 1999 to 2007-08. I joined J K Cement in the year 1999. I am not aware whether complainant was working in J K White Cement during that period. Again said, I was not directly under him. I know complainant since around 1999. It is correct that I have stated in CW1/D2 that in NCCL I used to follow up in court cases, consumer matters, proof reading newspaper advertisements as well as computer operator in NCCL. My statement dated 01.10.2006 was recorded at PS Navrangpura. I did not receive any written summon, I was called by phone. In the India TV programmee Medha Patkar was responding to the questions asked by Anchor Rajat Sharma. I do not remember the exact time period of conversation between the anchor and the accused. However, the programmee lasted for 20-25 mins. The accused appear to be present in the studio. The complainant was present at the programmee. I am not sure whether he was in the studio or not. However, both the accused and the complainant were present live during the telecast. Vol. But not on the same screen. Yes the programme was telecast at night after 10:30 PM. It is correct that in CW2/1 and CW1/D2 time of the programmee is mentioned as 11:00 to 11:15 PM.

It is wrong to suggest that on the date alleged, no programme was telecast on India TV or anywhere else where anchor Rajat Sharma interviewed, asked questions or had any discussion on live TV or pre recorded with the accused. As a volunteer of NCCL during this period I used to dedicate approx 1 ½ to 2 hours daily in the field and max 2 hours in the office during the week. There were some weeks when I did not have to go to NCCL office at all. Vol. I used to go to office only when I was required there however, there must be only 2 or 3 weeks in a year when I did not used to visit the office of NCCL. I can not tell with certainty as to how many times and for how many hours I had visited the above stated office during 20.04.2006 to 29.06.2006. No record used to be kept of the calls received in the above stated office. I was never aware about the sources of funding of NCCL. I was not aware of all the projects of NCCL. However, I was only aware of the project I was involved with. I do not remember whether I was involved in project between NCCL and Earth Centre Dehradun in 2001. I am not aware whether any register or list of volunteers were maintained by NCCL. There may have been 1-2 full time employees at NCCL at the time of alleged incident. However, I can not say for certain. I was never aware about the sources of funding for even those projects of NCCL in which I was involved personally. I left volunteering from NCCL in December 2008 due to statement made by

the accused. It is correct that I had continued to work/volunteer with NCCL and the complainant for 2 ½ years after the alleged statement made by accused on 20.04.2006. It is incorrect to suggest that I stopped working with NCCL due to problems I found with the organization. It is incorrect to suggest that I would not have continued working with NCCL for 2 ½ years if I believed alleged statement of the accused to be correct. Vol. I needed some time to convince myself that I should discontinue the work with NCCL and Mr. Saxena due to the statements made. So that I do not get involved in this. It is correct that I was continued to be involved in various projects of NCCL during this 2 ½ year period. Vol. It was my duty to ensure the completion of these projects. I did not come across any evidence during this 2 ½ year period regarding the statement allegedly made by the accused. Vol. As it was not my role. I was not assigned to prosecute the present complaint. I was only handling other cases for NCCL.

It is incorrect to suggest that I have not seen any television programme on India TV on 20.04.2006. It is incorrect to suggest that I am deposing falsely. It is incorrect to suggest that I am deposing at the behest of the complainant."

EVIDENCE OF CW3

14. CW3 Sh. Arvind Mangal Das Parikh, in his examination in chief, stated that he know complainant through his friend Sh. Dilip Shah since 2001. CW3 was called by the police officer in PS Navrang Pura for recording of his statement in an enquiry. He had given his statement on 01.10.2006 is on record and same is Marked as Mark A. Translation of the same which is duly notarized is on record and marked as Mark B. When CW3 came in the common circle of V K Saxena through Dilip Shah, he came to know that complainant used to run an NGO.

15. CW3, further deposed in his examination in chief that on 20.04.2006 at about 09:00 PM he went to his house and saw India TV wherein Anchor Rajat Sharma was holding a show in the name of Breaking news wherein the anchor had asked a question to Medha Patkar. Anchor had shown a clip in the show wherein accused

was talking about the complainant while taking the name of complainant that complainant is running an NGO in the name of National Council Civil Liberty and complainant gets tender in the construction of Dam at Narmada river.

16. He further stated in his examination in chief that after seeing the clip he called the complainant through mobile phone and complainant did not answer the call. Therefore, he called multiple times. On the next morning while CW3 was going to his office, he visited the office of the complainant where he met the complainant and asked him about the video clip that CW3 saw last night and also asked him as to what was this all about. Thereafter, the complainant told CW3 that he had not taken any tender from the said project. Thereafter, CW3 left for his office.

17. He further stated in his examination in chief that allegations made by accused in the above stated clip did not leave mind of CW3 and he kept on thinking about the same. CW3 was talking about the above stated alleged act of the complainant of him taking tenders in the above stated project and in his group and the reputation of the complainant gradually deteriorated.

18. In his cross examination, CW3 stated:

"The statement given by me to the police on 01.10.2006 was not given under force, coercion or threat. I had given the statement voluntarily. I was made a witness in the present complaint in June 2006 by the complainant after taking my consent. I had stated my

statement to the police on 01.10.2006 that anchor Rajat Sharma had played a clip showing accused on the show.

Witness is shown Mark B.

It is correct that it is not so recorded in mark B.

Ques: Did you state this to the police in your statement dated 01.10.2006 that our common friend circle of which I am a part was talking about allegation against the complainant of taking tender in the above stated project and that in our group the reputation of complainant gradually deteriorated.

Ans: Yes.

I had told the police that our common friend circle of which I am a part was talking about allegation against the complainant of taking tender in the above stated project and that in our group the reputation of complainant gradually deteriorated.

Witness is shown mark B.

It is correct that it is not so recorded. Vol. However it is recorded "we became sure that with a view to defame V K Saxena, Ms. Medha Patkar has made false allegations on India TV news channel. Infact, Sh. V K Saxena or his institution has not obtained any contract or sub contract under Sardar Sarovar Yojna. Medha Patkar has made false allegations and because of that to himself and the public residing in India and out of India who are having interest in the institution of V K Saxena became painful by hearing such news and to know such fact, by telephoning repeatedly to Mr. V K Saxena and members of his institution, attempts were made for clarification in this regard and the workers of institution also became painful because of their defamation and because of that Mr. V K Saxena has filed this written complaint before the Hon'ble Court against Ms. Medha Patkar, President of Narmada Bachao Andolan." (Objected to by Ld. Defence Counsel)

It is correct that at the time of giving statement dated 01.10.2006 that at the time of recording we were sure that the allegations made by the accused were false. Vol. We did not know whether the allegations against the complainant were true or false.

Witness is shown portion marked A to A1 on document mark B.

Ques: Is it correct that you have stated in the above mention portion that you felt pain because you knew V K Saxena and its institution for past 5-6 years but you knew that he had not received any contract under Sardar Sarovar Yojna even though accused made these allegations?

Ans: I do not exactly recall the same however, since I felt bad therefore, I called Mr. V K Saxena as his reputation was deteriorating.

Ques: Is it correct that you have stated in the above mention portion that you felt pain because you knew V K Saxena and its institution for past 5-6 years but you knew that he had not received any contract under Sardar Sarovar Yojna even though accused made these allegations?

Counsel for accused submits that the question has not been answered as the question was very specific.

Submissions is correct. Witness is directed to again answer.

Ques: Is it correct that you have stated in the above mention portion that you felt pain because you knew V K Saxena and its institution for past 5-6 years but you knew that he had not received any contract under Sardar Sarovar Yojna even though accused made these allegations?

Ans: Yes.

I had signed the statement dated 01.10.2006 given to the police after reading it. I

had seen the entire show called Breaking News telecast on India TV on 20.04.2006. Today I can not say how long the programme was as it is 18 years. It is correct that complainant was also shown during the programme. I can not tell whether he was present at studio or not during that time. I do not remember for how long the complainant was shown during the programme. I am not able to recall the duration of clip of accused shown on the above said programme as it is a long time. I called the complainant multiple time that night after the programme finished. I called the complainant to seek an explanation from him and not to show my support. I do not know whether complainant offered any explanation regarding the contract during the show.

It is wrong to suggest that on 20.04.2006 I have not seen any programme Breaking News on India TV which is marked Ex. CW1/6. It is wrong to suggest that the accused has never stated that the complainant got tender in construction of dam at river Narmada. It is wrong to suggest that no clip wherein the accused stated so was telecast on 20.04.2006 on India TV. It is wrong to suggest that the reputation of the complainant did not deteriorate in my eyes or in the eyes of my common friend circle as a result of any programme telecast on India TV on 20.04.2006. It is wrong to suggest that in the programme telecast Ex. CW1/6 nowhere anchor Rajat Sharma asked accused any question. Vol. I do not know whether it was Rajat Sharma who asked the question or the voice of some other anchor. However, there was question asked in the show. I do not recall the question asked to the accused as it has been a long time. It is wrong to suggest that in the programme telecast Ex. CW1/6 neither anchor Rajat Sharma nor any other person is seen or heard asking accused any question. It is wrong to suggest that I am deposing falsely. It is wrong to suggest that I am a coached witness. It is wrong to suggest that I am deposing at the behest of the complainant."

EVIDENCE OF CW4

19. CW4 in his examination in chief deposed that on 20.04.2006 he was working with India TV and his designation was Special Correspondent. CW2 was aware about the programme 'Breaking News Telecasted' at 9.00PM on 20.04.2006. The role of CW4 in the programme Breaking News Telecasted at 9.00PM on 20.04.2006 was that he had done a story on the activities on the 'Narmada Bachao Andolan' which was aired in the said programme on the said date. CW4 further deposed that he brought the pen drive/CD from the archive of India TV of Breaking News Telecasted at 9.00PM on 20.04.2006 along with certificate U/s 65 B Indian Evidence Act. Total length 23.39 minutes of the alleged programme, pen drive taken on record. The

same is Ex. CW-4/A. The certificate u/s 65 B Evidence Act is Ex.CW4/B.

20. CW4 further deposed in his examination in chief that after seeing the video, your statements is same as that of in Ex. CW-4/A. The reason for difference of duration of time of the Ex. CW-1/6 and Ex. CW-4/A according to CW4 is that while recording the earlier CD (Ex. CW-1/6) some portion of the News got repeated again while recording or copying.

21. In his cross examination, CW4 stated:

"I have been working with India TV since year 2001. It is correct that India TV started in 2004 but I have been working with the parent company i.e. Independent Media Pvt Ltd since 2001. I had joined this correspondent. Special Correspondent is a grade higher than correspondent. I cannot exactly say how many stories I must have done for the company in the past 23 years, however, approximately I must have covered around thousands of stories.

The programme "Breaking news" was a three hours programme at the time of incident. I have not placed on record any document regarding Mr. Saxena's request for footage of the programme. Vol. I was not asked to bring.

I have not placed on record any document which shows that the complainant Mr. Saxena was supplied with any footage by me or India TV in 2007.

It is correct that in Ex.CW4/A, there are two clips showing the accused which are 14 seconds and 38 to 40 seconds approximately. The complainant Mr. V.K. Saxena never asked for the unedited raw and complete footage of the accused's interview, nor was the same given to him by me or India TV. Vol. He had only asked for telecast footage of the programme which was given to him.

Q. You were summoned vide order dated 01.04.2024 and were asked to produce complete record of telecast dated 20.04.2006 alongwith programme having total length of 28 minutes and 55 seconds. I put it to you that you have not produced the summons record before the court. What do you have to say?

A. It is correct. I have brought whatever was available in the records of my channels Archive Department on the day I copied the Ex.CW4/A footage.

It is correct that I am based in Ahmadabad since 1991. Archive Department of the channel is located in Noida where the channel's Head Quarters are located.

It is correct that the Mini DV Tape in which Ex.CW4/A was originally stored has

never been in my custody, not even the day of telecast. Vol. We have a protocol to follow. All the post production work of any programme or news item is done at our channels Noida Head Quarter. We (Correspondents) generally Shoot the raw footages for a story and send it across to Noida where the final editing is done. Once the raw footages are sent, they are not retained by us or remain in our possession in any form and once the edited story is telecast, the telecast version is kept in archive and some of the raw footage, if the archive team or our Principals / Superiors in Head Quarter feel that the raw footage could be of any use in future.

All telecast copies are archived, however, I do not know for how long they are retained by the channel. I do not know whether the entire three hours programme of "Breaking News" which was telecast on 20.04.2006 is available with the channel or not. Vol. If somebody has sought any footage for the legal reason that is generally kept with our Archive Department.

I signed the 65-B Certificate in Noida i.e. Ex.CW4/B. The said Certificate was drafted by our Legal Team in my presence. It is incorrect to suggest that I am not the competent person to issue 65-B Certificate in regarding Ex.CW4/A as I was never in custody of the original footage (Mini DV Tape) nor did I retrieved or copy the same. Vol. When the footage was copied for presenting in the court, it was done in my presence.

I cannot comment whether the Mini DV Tape was ever tampered or not during custody of Archive Department. Vol. Technically tampering cannot be done.

Q. Are you saying that once a video is stored in a Mini DV Tape, it cannot be edited, copied or reproduced with minor or major changes?

A. I cannot comment in this.

It is wrong to suggest that I was misleading the court when I said "Technically tampering cannot be done".

If a copy was supplied to Mr. V.K. Saxena in 2006, it was given by Archive Department located in Noida. Vol. The same was sent by Archive Department to us in Ahmadabad whereupon the same was supplied to Mr. V.K. Saxena.

I do not have any documentary evidence to show that the Archive Department sent the footage to me 2006.

In order to copy the Mini DV Tape to pendrive, Mini DV Player, Computer and a Pendrive were used in the process of copying the document which I presented in the court.

Q. Is it correct to say that the Archive Department would have retained an identical copy of the footage that was allegedly supplied to complainant Mr. Saxena in 2006?

A. Yes, as per my information before coming to court, the Archive Department had retained the identical copy of the footage supplied to Mr. Saxena in 2006 but when I presented the document Ex.CW4/A to the court, I was shown the copy which was supplied to the court by Mr. Saxena and I found that there is a difference of time duration in both the copies. I was asked by the court to watch and clarify the reason. I saw both the copies in front of court and I found that the initial few minutes of both the copies are identical but some portion in the copy which was supplied to the court by Mr. Saxena was repeated while copying that in 2006, so there was some time difference in both the copies but to the best of my knowledge, the content was identical.

It is correct that when I say "which was supplied to the court by Mr. Saxena was repeated while copying that in 2006", it is a presumption. Again said, it is my assessment because sometime repetition happen due to error.

It is incorrect to suggest that this is pure speculation and guess work on my part

and that I am stating so at the behest of the complainant. It is incorrect to suggest that the time difference in between Ex.CW4/A and Ex.CW1/6 in fact shows that either one or both of the Exhibits have been edited and tampered with.

It is incorrect to suggest that programme regarding Narmada Bachao Andolan was based substantially on writ petition which was filed by complainant Mr. V.K. Saxena before the Hon'ble Supreme Court of India, being Writ Petition (Civil) No. 69/2006 which is hereby marked as Ex.CW4/D1. Objected to by Ld. Counsel for the complainant that witness cannot be confronted with this document as he is not related with the same. Vol. At that time I opted to do this story as I was following the issue of Narmada Dam and Project effected people for so many years and I was constantly involved in finding out various facts related to the different parties involved and in this process, I found some document at that time and started working on that. The story is outcome of that research and during the process of shooting this story, we contacted various people in Gujarat and Madhya Pradesh. Mr. Saxena is also one of them so I the question of case pending in Hon'ble Supreme Court does not arise at all.

It is incorrect that I am deliberately misleading the court. It is not correct that annexures including annexure P-8 filed in the Hon'ble Supreme Court in above Petition by the complainant were shown during telecast. Vol. I do not know remember from which source the documents were procured.

It is incorrect to suggest that the entire programme was motivated and meant to malign the accused as she had recently undertaken a long hunger strike and the movement for rehabilitation was gathering strength in Madhya Pradesh. It is incorrect to suggest that this programme was planned in connivance with Mr. Saxena. I do not know whether the allegations made against the accused in Ex.CW4/A have been held to be false by the Hon'ble Supreme Court in its judgment dated 10.07.2007 in the aforementioned Writ Petition.

It is incorrect to suggest that the video clips of the accused contained in Ex.CW4/A are doctored. It is incorrect to suggest that this is the reason why raw footage of her entire interview has never been produced before the court. I cannot say how long her interview was as I did not interviewed her. Vol. I have also only seen the sound bytes (video clips) which were telecast during the programme. It is incorrect to suggest that I am deposing falsely."

JUDGMENTS RELIED UPON BY LD. COUNSEL FOR COMPLAINANT

22. Ld. Counsel for the complainant relied on following judgments in support of his case;

- 1) Sudama Bai vs. State of Madhya Pradesh, 2018 SCC Online M.P. 904
- 2) Tulsi Ram Sahadu Suryavanshi & Ors vs. State of Maharashtra, (2012) 10SCC

373.

- 3) Nusrat Praween vs. State of Jharkhand Crl.a No.458 of 2012
- 4) Imran Khan @ Bunty Nurkha Pathan vs. State of Maharashtra 2019 SCC online 46
- 5) Prabhu Dayal vs. State of Rajasthan (2018) SCC 127
- 6) Hardeep Singh vs. State of Punjab & Ors 2015 SCC 92
- 7) P C Purshottama Raddiar vs. S Perumal 1972 (1) SCC 9
- 8) State of M.P. vs. Dharkole @ Govind Singh & Ors (2004) 13 SCC 308
- 9) State of Himachal Pradesh vs. Raghbir Singh & Ors Crl. No. 2567 of 2024
- 10) Naseer Sikandar Shaikh vs. State vs. Maharashtra AIR 2005 SCC 2533
- 11) Mubarik Ali Ahmed vs. State of Bombay 1957 SCC Online SC 46
- 12) Tushar Hari Bhai Gondaliya vs. State of Gujarat 2014 SCC Online Guj 14394

JUDGMENTS RELIED UPON BY LD. COUNSEL FOR ACCUSED

23. Ld. Counsel for the accused relied on following judgments in support of her case;

- 1) Kunhi Kanan vs. Kalliani 1972 SCC Online KER 98
- 2) Chaitan Charan Das vs. Raghunath Singh 1958 SCC online Ori 48
- 3) John Manjooran vs. C.M. Stephen 1973 SCC Online KER 94
- 4) M P Narayan Pillai vs. Smt. T M Rukmini AIR 2013 KAR 81
- 5) Girish Kakkar vs. Dr. Dhanwanti ILR (1990) 2 DEL
- 6) Manjar Syed Khan vs. State of Maharashtra 2007 SCC 1

- 7) Bal Ganga Dhar Tilak vs. Emperor AIR 1916 BOM 9
- 8) Shashi Jena vs. Khadal Swain 2004 4 SCC 236
- 9) Moosa vs. Jamon Pothan Purackkal 2005 SCC Online KER 487

FINDING ON FACTS IN ISSUE:

24. The complainant, in his evidence, stated that he had participated in a live telecast programme of India TV titled “Breaking News,” where the accused was also a panelist. He stated that during the programme, one Mr. Rajat Sharma showed him a video in which the accused, Medha Patkar, was saying, “*V. K. Saxena naam ke ek aadmi ne kuch saalon pehle akhbaar mein hamare khilaaf aadha aadha panne ke vishay diye thay; purane patrakaar hain, unko maloom hoga,*” and “*2000 saal mein unke khilaaf hamne Delhi ke court mein badnaami ka daawa lagaya hai jo abhi tak chal raha hai. Lekin V. K. Saxena ne naam liya National Council of Civil Liberties ka aur unhe contracts mile Sardar Sarovar Nigam se; Civil ke civil contracts mile Sardar Sarovar ke sambandh mein. Main iske baad CD lekar aapke saamne kabhi bhi sabit karne ke liye taiyaar hoon.*” He further added that during the said programme, he immediately stated that he had never received any civil or other contract from the Sardar Sarovar Project and that he would file a case against her for using this platform against him. While the complainant initially stated as such, in the later part of his examination-in-chief, he clarified that he did not know if the accused was present in the India TV studio in Ahmedabad or if she was participating through video

conferencing. He further clarified that he was not aware whether the video played in the programme was a pre-recorded video. In his examination-in-chief, the complainant tendered the CD of the programme as Ex. CW1/6 and pointed out the relevant portion from 20 minutes 50 seconds to 21 minutes 33 seconds in the footage.

25. The issue herein is whether the accused made the statements noted above while being a panelist in the said show. To arrive at any finding, the testimony of the complainant, the clarifications afforded by him, and the testimony of Mr. Nirnay Kapoor, examined as CW4, are most crucial. Mr. Nirnay Kapoor is the person stated by the complainant to have been present with him in the Ahmedabad studio at the relevant time, hence his importance. CW4, in his examination-in-chief, tendered a copy of the original footage of the entire programme telecasted on the relevant date and time.

26. A perusal of the evidence of CW1 and CW4 reveals that the contention between the parties centres on whether the accused was a panelist in the said programme or whether it was merely her video footage/clip that was played therein. While the complainant initially stated in his chief examination that the accused was a panelist, he later stated that he did not know if she was a panelist, joined the programme through video conferencing, or if her pre-recorded video was played. In his evidence

before this court, he did not clearly state whether the accused was a participant in the show or whether it was merely her audio-video clip that was played. In Ex. CW1/D4, the complainant made a contradictory statement wherein he stated that both he and the accused were present in Ahmedabad during the live programme. Due to such continuous changes in his stance and the contradictions suffered, it remains doubtful whether the accused was a panelist.

27. The testimony of CW4, Mr. Nirnay Kapoor, is also of no consequence, as this witness did not state in his evidence that the accused was present in the studio or was a panelist and that she made the subject statements as such. Rather, in his cross-examination, this witness admitted that in the video footage Ex. CW4/A, there were two clips of the accused—of 14 seconds and 38 to 40 seconds. This statement of CW4 reinforces the suspicion that the accused was not a panelist in the show and that only her audio-video footage was played therein.

28. The aspect of whether the accused was a panelist in the show and made the subject statements is crucial, as the relevancy and admissibility of the footage of the show—i.e., Ex. CW1/6 and Ex. CW4/A—would differ in both situations: where the accused, being a panelist, made the statement, and where her pre-recorded video was played in the show. Ex. CW1/6 is the CD of the entire programme telecasted by India TV, filed by the complainant, and Ex. CW4/A is the pen drive containing the

footage of the entire programme brought by CW4, Nirnay Kapoor, who had done the story on the activities of Narmada Bachao Andolan aired in the show. Both these video footages, although differing in duration, when played together, clearly show that only the video-audio clip of the accused was played in the show by the channel, which was seen by the complainant, a panelist, and to which he reacted. Ex. CW1/6 and Ex. CW4/A make it clear that the accused was not a participant in the said show and that only her pre-recorded video was played by the channel. The footages produced before this court are audio-video recordings that captured the entire programme/show as telecasted.

29. An audio-video footage is a document, albeit an electronic one, as per the definition of the term “document” in Section 3 of the Indian Evidence Act (hereinafter referred to as “IEA”). This section provides that anything can be called a document if it expresses or describes any matter or substance by letters, figures, marks, or any other means. The term “document” includes an electronic record, and when produced in court, it is called documentary evidence.

30. In the present case, the audio-video file in which the accused actually speaks, and the device that stores the audio-video data of the accused speaking as such, is the only device that can be called a document in the strict terms of the definition given in the IEA. Only this device can be the primary document for proving its

contents—i.e., the accused speaking and making the impugned statements. The TV programme or interview that later plays that audio-video file is merely a mode of subsequent exhibition or republication. It is the device containing the first audio-video recording that originally recorded the accused speaking that can be called a “document” for proving her speech. The footage of the TV programme, Ex. CW1/6 and Ex. CW4/A, can also be called a “document,” but only for what it truly records—i.e., the edited programme or telecast as a whole, including the fact that a clip of the accused was played. Ex. CW1/6 and Ex. CW4/A cannot be called documents recording the accused originally speaking the impugned statements and, therefore, are not relevant for proving that the accused made the impugned statements. Only the original device in which the audio-video recording of the accused was recorded while making the impugned statements is relevant for proving that fact. However, neither this device (primary electronic document) nor a copy thereof (secondary electronic document) has been tendered in the complainant’s evidence. What has been tendered is the footage of the show with the clip of the accused played therein. This footage is relevant only for proving that the complainant attended the programme, that the clip of the accused was played, that he saw it and reacted to it, and for proving other aspects recorded therein. All these facts are not in dispute herein. The dispute lies on the fact that whether accused made the impugned statements. It is the original audio video recording which originally recorded the accused speaking impugned statements, which would prove the disputed fact. This

document has not been tendered in the evidence.

31. Having said that, it must now be seen whether Ex. CW1/6 and Ex. CW4/A are admissible, given they are electronic records requiring satisfaction of the requirements of Section 65B of the IEA. Ex. CW1/6 is the footage of the entire show tendered by the complainant in his examination-in-chief. He stated that this footage was provided to him by India TV channel. However, no document was tendered to prove the same, nor did the complainant specify who from the channel supplied the footage to him. Most importantly, no certificate under Section 65B was tendered by the complainant. Therefore, Ex. CW1/6 is inadmissible in evidence and is hereby declared as such.

32. The only remaining audio-video footage is Ex. CW4/A, produced by CW4, Mr. Nirnay Kapoor, who described himself as a Senior Associate Editor at India TV. He stated that his role in the programme/show was that he had done a story on the activities of “Narmada Bachao Andolan,” which was aired in that programme. This witness stated in his cross-examination that Ex. CW4/A was available in the channel’s archive records. He added that the original mini DVD tape in which the footage was originally stored was never in his custody, not even on the day of telecast. He stated that as correspondents, they generally shoot raw footages for the story and send them to the Noida headquarters for final editing. He clarified that once

the footage is sent, it is not retained in the possession of the correspondents (CW4 was the correspondent at the relevant time for the story aired in the subject show/programme). He further stated that the archive department keeps the telecast version in the archives and some raw footages if the archive team or superiors at the headquarters deem them useful.

33. These statements of CW4 lay bare the facts that CW4 was the correspondent who did the story telecasted in the show, that he did not have physical possession of the footage produced before the court, and that the footages shot for the story were sent to the Noida headquarters of the channel. It must be kept in mind that although it is not the complainant's case that the footage/clip of the accused played in the show/programme was procured or shot while preparing the story for the said programme, it is possible that the said footage was shot by someone while preparing the story or otherwise. Be that as it may, neither the device recording the original footage of the accused nor a copy thereof has been tendered in evidence.

34. Before proceeding further, it would be convenient to set out the requirements of Section 65B of the IEA, which are essential for making the footage Ex. CW4/A admissible in evidence. As per Section 65B(2) and (4) of the IEA, the following conditions must be satisfied:

“(2) The conditions referred to in sub section (1) in respect of computer output shall be the following, namely:-

(a) the computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information for the purposes of any activities regularly carried on over that period by the person having lawful control over the use of the computer;

(b) during the said period, information of the kind contained in the electronic record or of the kind from which the information so contained is derived was regularly fed into the computer in the ordinary course of the said activities;

(c) throughout the material part of the said period, the computer was operating properly or, if not, then in respect of any period in which it was not operating properly or was out of operation during that part of the period, was not such as to affect the electronic record or the accuracy of its contents; and

(d) the information contained in the electronic record reproduces or is derived from such information fed into the computer in the ordinary course of the said activities.

...

(4) In any proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say—

(a) identifying the electronic record containing the statement and describing the manner in which it was produced;

(b) giving such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) dealing with any of the matters to which the conditions mentioned in sub-section (2) relate, and purporting to be signed by a person occupying a responsible official position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this sub-section, it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.”

35. For the admissibility of any electronic evidence, i.e. Ex. CW4/A, in this case, it is essential that the conditions specified in Section 65B(2) IEA are met. To satisfy these conditions, Section 65B of the IEA provides that a certificate stating the particulars specified in clauses (a) to (c), issued by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate), shall be evidence of what is stated in the certificate. What needs to be emphasized is that only a “person in a responsible position in relation to the operation of the relevant device,” which stored the footage and produced the copy, or a person responsible for the management of the relevant activities, can issue this certificate under Section 65B of the IEA. It is not every senior or responsible person but only the one responsible for the operation or management of the relevant device or relevant activity who can issue this certificate.

36. CW4 is admittedly not the person having possession of the device that stored the original footage, nor is he the head or other person having control over the archive department that kept the original device archived. He merely obtained a copy of the footage from the device and produced it in court. While the archive department is located in Noida, CW4 was a Senior Associate Editor based in Ahmedabad. It is relevant to note that the certificate filed by CW4 nowhere states that he occupies a responsible position in relation to the device, as required by Section 65B(4) of the

IEA. Therefore, as the certificate filed by CW4 does not fulfill the criteria specified under Section 65B(4) of the IEA, it is not in accordance to law and consequently, Ex. CW4/A, being without a valid and legal certificate under Section 65B of the IEA from the appropriate person, is inadmissible in evidence.

37. Regardless of the fact that Ex. CW1/6 and Ex. CW4/A are inadmissible in evidence, it must be noted that even if these footages had been admissible, they would still not prove that the impugned statements were made by the accused, as the original footage recording the accused speaking as such at the relevant time has not been produced in court. Without such original footage or the device recording the same being brought on record, the fact that the accused made the impugned statements remains unproved. It is important to note that neither the reporter who actually recorded the audio-video nor any person who had seen the accused making the impugned statements has been examined as a witness. It is also crucial to note that the clip played in the programme/show appears to be only a very short clipping from an interview or press conference of the accused. To make any determination, it is essential that entire video and audio of press conference is brought before the court or some eye witness to that press conference/interview depose about the same. Without examining the entire clip/footage of that interview, no determination can be made regarding the speech of the accused.

38. In view of the evidence appraised above, the fact in issue no.1- that the accused made the impugned statements - remains unproved. Facts in Issue Nos. 2 and 3 are dependent on the existence of Fact in Issue No. 1, which itself remains unproved, therefore, no question arise regarding their proof and they also remain unproved.

JUDGMENT

39. It is hereby held that complainant has failed to prove its case beyond reasonable doubt against the accused. Accused Medha Patkar is hereby acquitted for the offence punishable under Section 500 of the IPC.

**ANNOUNCED IN THE OPEN COURT
ON 24.01.2026**

**(RAGHAV SHARMA)
JMFC-06/SE/SAKET/ NEW DELHI**

**It is certified that this judgment contains 31 pages and each page bears
my signatures.**

**[RAGHAV SHARMA]
JMFC-06,SED,NEW DELHI
24.01.2026**