

40 CT CASES / 5373/2024 RAJAT SHARMA Vs. RAGINI NAYAK /0 (Greater Kailash)
02.02.2026

Hybrid Hearing

Undersigned is also working as Link MM for today.

Present: Ms. Kanika Vohra, Ld. Counsel for the complainant.
Complainant is present through VC.

Order at 4:00PM.

(DEVANSHI JANMEJA)
JMFC-04/(SE)/Saket Court
Delhi/02.02.2026

At 4:00PM

Present: Ms. Kanika Vohra, Ld. Counsel for the complainant.

1. The complainant, Rajat Sharma (hereinafter as the complainant) has approached this court seeking summoning of Ragini Nayak (accused no.1), Pawan Khera (accused no.2) and Jairam Ramesh (accused no.3) (hereinafter referred to as the accused persons) upon allegations of forgery, making false document and, defamation of the complainant, allegedly committed by the accused persons.
2. It is the case of the complainant that by way of Press Conferences, media reports, social media etc., the accused persons have made false and defamatory statements against him i.e. that he used derogatory and abusive language i.e uttered the word '*bahin***d*' (herein after referred to as the **invective**) against accused No.1 i.e a female spokesperson of Congress Party during a Live debate on television . Further, it is alleged that accused persons in order to buttress this false and vexatious allegation, uploaded a modified and tampered video with inserted text as containing the aforesaid invective as caption which was not originally

part of the live telecast imputing the same to have been said by the complainant to accused No 1 thus committed forgery of the original video and created a false document, which was then used to injure Complainant's reputation.

3. It is submitted that accused No. 2 and 3 retweeted the per se defamatory, forged and manipulated content which was tweeted firstly by accused No.1 despite knowing the same to be dishonest. Further it is submitted that since these tweets by the accused persons were made through social media websites and press conferences, it caused millions of viewers to believe that the manipulated video was the original content which led to thousands of social media users leaving negative comments regarding the complainant on basis of the malicious allegations made by the accused persons. The complainant alleges that the aforementioned false imputations have been knowingly made by the accused persons for the sole purpose of gaining political mileage at the cost of causing irreversible damage to the reputation of the complainant. These acts of malicious, false and baseless allegations by the accused persons are part of an orchestrated malafide design for ulterior political motives of the accused persons.
4. Complainant led pre summoing evidence in support of his complaint and examined himself on oath as CW1. During his deposition he apprised the court that he had been in the profession of journalism and media and 40 years, has been awarded a Padma Bhushan for his work therein. He deposed that on 04.06.2024, he was hosting a show on his channel India TV on the counting of election result, and during the show he was praising Congress Party by stating that even if Congress Party gets 90 seats, it will be considered a victory for them and if BJP gets 290 seats it

might be considered a defeat for them. Accused No.1 Ragini Nayak however twisted complainant's statement and said that complainant was making a statement against Congress party. To this the complainant responded that he does not wish to argue with her however clarified that he spoke of congress party's victory only. He deposed that nearly 67,000,000 people were watching the live telecast of this incident and no one raised any objection or complaint of any abusive language used by the complainant on the show. On 10th of June 2024, at 11:06 PM at night, accused Ragini Nayak posted a tweet on X wherein she stated that complainant had abused her and along with the said tweet, she posted the video of this incident and superimposed upon it the invective allegedly uttered by complainant implying that the same was part of the original live telecast. Accused No.2 Pawan Khera, then retweeted Ragini Nayak's tweet at about 11:17 PM on 10th of June 2024 stating that it is condemnable that complainant has used abusive language against a lady politician. On 11th of June 2024 at around 8 AM, accused No 3 Jairam Ramesh retweeted the false and fabricated tweet of Ragini Nayak stating that complainant may have his own political proclivities however he should not have abused the lady congress spokesperson, and should issue an unconditional apology to her. Complainant deposed that the same was very shocking for him as he had never used any abusive language on the show and he could clearly see through Ragini Nayak's lie as she stated on Twitter that she had obtained the video posted with her tweet after obtaining raw footage from India TV as there is no such thing as a raw footage for a live show. She had rather superimposed text on the footage telecasted by India TV to create a false document. Later complainant learnt that accused No.1 & 2 had scheduled a press conference on this issue at 12 noon on 11th of June 2024. His legal team immediately sent a letter to all the accused persons stating that the allegations they have levelled against him are false, baseless and

defamatory and they shall be compounding on their statement if they repeat the same in the press conference. Thereafter the accused persons announced the cancellation of the press conference scheduled for 12 noon on account of some technical difficulty. Accused No.1 & 2 went to PS Tughlak Road and filed complaint against the complainant. Thereafter on 11th of June 2024, at 5 PM Ragini Nayak did the press conference and repeated the aforesaid false allegations. Ragini Nayak then posted the footage of the press conference on Twitter along with copies of her complaint repeating the allegations and stating that complainant Rajat Sharma has now threatened her. Thereafter people started commenting on the same with denigrating words against the Complainant. Thereafter his friends Surya Prakash Khatri and Sudhanshu Mittal contacted him and asked him how he could use such objectionable words in public as the text that was superimposed on the video posted by Jairam Ramesh, Pawan Khara and Ragini Nayak made it seem that he had actually uttered that invective. He deposed that this incident caused him a lot of mental agony and trauma. Thereafter complainant approached the Hon'ble High Court of Delhi and filed civil suit for mandatory injunction and damages wherein order was passed in his favour in CSOS number 495/2024 dated 14 06 2024 and accused persons were directed to be remove the defamatory posts .

5. The complainant has relied upon the following documents in the pre-summoning evidence:-

- (a) The documents pertaining to his profession as Mark A
- (b) Copy of National Award as Mark B.
- (c) The screenshot of subscribers of the channel as Mark C
- (d) The four minute video clip containing the live telecast of the incident is exhibited as Ex. CW1/A.
- (e) True translated transcript of the aforementioned incident in Hindi is now marked as Mark D.

- (f) The tweet dated 10.06.2024 as Ex. CW 1/C.
 - (g) Original live telecast as of 04.06.2024 as Ex. CW1/D.
 - (h) The tweet dated 11.06.2024 as Ex. CW 1/E.
 - (i) Letter to accused persons dated 11.06.2024 as Ex. CW1/F.
 - (j) abovesaid letter on twitter as Ex. CW1/G.
 - (k) CD containing the video recording of the press conference as Ex. CW1/H
 - (l) true translated transcript as Ex. CW1/J (Colly) (approximately 7 pages).
 - (m) Certificate under Section 65 B of Evidence Act as Ex. CW1/B.
6. Complainant examined one Surya Prakash Khatri a CW2 who deposed on similar lines as complainant and stated that he had no doubt that the allegations made by the accused persons had caused immense damage to the reputation of complainant.
7. Complainant further examined one Sudhanshu Mittal a CW3 who was a participant on the live program hosted by India TV on 4th of June 2024 when the incident alleged by the accused persons took place. He deposed that there was nothing objectionable said by complainant said during this interaction and that no abusive language, or angry offensive statement was made by the complainant. He further deposed that he did not think anybody else had heard any objectionable utterance as otherwise after the show the same would have been discussed. After the allegations of accused persons went viral on 11th of June 2024, he deposed that he was inundated with calls and messages from all over expressing shock that complainant Rajat Sharma could abuse a woman panellist. He further deposed that it took him a great effort to explain to people that complainant Rajat Sharma was completely innocent and had been maliciously accused of abusing Ms Ragini Nayak in order to damage his reputation.

8. All the witnesses of the complainant deposed that they have heard/seen the accused persons making defamatory statements against the complainant and same has consequenced in damage to the reputation of the complainant.
9. After conclusion of pre-summoning evidence, in order to determine whether offence of forgery had been made out, report under section 202 CRPC was sought from the SHO PS GK to get the allegedly forged documents (videos posted by accused persons) examined by FSL for the purpose of determining whether or not there were sufficient grounds to proceed against the accused persons . The FSL examination reports stated that there appeared to be visible alteration in the videos uploaded by accused persons as the same had presence of titles and captions which indicates the video being post production video file.
10. Before commencing the discussion on whether sufficient prima-facie material exists for summoning of the accused persons, it becomes imperative to set-out briefly the legal benchmark that is to be satisfied for summoning of an accused for an offence of defamation under section 499 of the IPC and offence of forgery under section 463,469,471 IPC.
11. Basic ingredients of offence under section 499 i.e. defamation that need to be established are as follows :
 - (i) Making or publishing any imputation concerning any person;
 - (ii) Such imputation must have been made by words either spoken or intended to be read or by signs or by visible representations;

(iii) The said imputation must have been made with the intention to harm or with the knowledge or having reason to believe that it will harm the reputation of the person concerned.

12. Basic ingredients of offence under section forgery, making of false document and its misuse that need to be established are as follows :
the making of a false document or part of it and such making should be with such intention

- (a) to cause damage or injury to (i) the public, or (ii) any person; *or*
- (b) to support any claim or title; *or*
- (c) to cause any person to part with property; *or*
- (d) to cause any person to enter into an express or implied contract;
or
- (e) to commit fraud or that fraud may be committed.

13. **Reference is also made to Section 469 of IPC which** deals with forgery for the purpose of harming reputation. It states that whoever commits forgery, intending that the document or electronic record forged shall harm the **reputation of any party**, or knowing that it is likely to be used for that purpose, shall be punished with **imprisonment of either description for a term** which may extend to three years, and shall also be liable to fine.

14. Further Section 471 IPC defines the offence and punishment. Using as genuine a forged document or electronic record as

“Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.”

15. During the course of arguments, Ld. Counsel for Complainant submitted that aforesaid defamatory statements had been made orally and through electronic media/print media/social media handles of the accused persons and despite legal notice issued to accused persons to further prevent issue of such slander, accused persons failed to adhere to the requests. Ld. Counsel for the complainant submitted that the complainant had filed a petition before Hon'ble High Court of Delhi titled as **Rajat Sharma vs X Corp** and others bearing case no. **CS(OS) 495/2024**, seeking interim injunction against the accused persons to take down/delete the defamatory publications made the accused persons on social media platform, wherein vide order dated 14th of June 2024, Hon'ble High Court held that it was prima facie evident from the video of the impugned TV debate, that Complainant had barely intervened for a few seconds and no abusive language was used against Ragini Nayak, and had directed accused persons to take down their social media posts regarding the incident from public domain. He has further submitted that offence of forgery and creation of false document, and use thereof for purpose of defaming Complainant is also established since among other evidence led by complainant, FSL authorities have also stated in their report that there is super imposition of titles and captions in the videos posted by the accused persons. It is therefore submitted that the aforesaid facts and circumstances clearly establish that the accused persons have made and published highly damaging allegations against the complainant with the intent to harm and knowing that such imputations shall tarnish and cause irreparable harm to the decades long built reputation of the complainant.

16. Having heard the submissions and having carefully perused the record, I shall now proceed to decide upon the question of summoning on its merits.

17. As regard the scope of scrutiny permissible at the stage of summoning, one may turn to **Smt. Nagawwa vs. Veeranna Shivalingappa Konjalgi and others, AIR 1976 Supreme Court 1947**, wherein the Hon'ble Apex Court held as under :

“At the stage of issuing process the Magistrate is mainly concerned with the allegations made in the complaint or the evidence led in support of the same and he is only to be prima facie satisfied whether there are sufficient grounds for proceeding against the accused. It is not the province of the Magistrate to enter into a detailed discussion of the merits or de-merits of the case nor can the High Court go into this matter in its revisional jurisdiction which is a very limited one. The scope of the inquiry under Section 202 is extremely limited – only to the ascertainment of the truth or falsehood of the allegations made in the complaint – (i) on the materials placed by the complainant before the court; (ii) for the limited purpose of finding out whether a prima facie case for issue of process has been made out; and (iii) for deciding the question purely from the point of view of the complainant without at all advert to any defence that the accused may have.”

18. Therefore , the consideration at this stage is whether there exists sufficient grounds to summon them or not (section 204 of The Code of Criminal Procedure).

19. Before proceeding further, it is pertinent to discuss the law on Defamation. The intrinsic facet of “Defamation” is harm to “reputation” or lowering the estimation of a person in public domain. This makes it pertinent to understand what constitutes “reputation”. The right to reputation in its vital aspect is not concerned with fame or distinction. It has regard, not to

intellectual or other special acquirements, but to repute which is slowly built up by integrity, honourable conduct, and right living. One's good name is therefore, as truly the product of one's efforts as any physical possession; indeed, it alone gives the value as source of happiness, to material possessions. It is, therefore, reputation alone that is vulnerable; character needs no adventitious support. The right to reputation has been recognized by the Hon'ble Supreme Court as an integral part of the right to life under Article 21 of the Constitution, in the case of **Umesh Kumar vs. State of Andhra Pradesh and Anr. (2013) 10 SCC 591**. While upholding the constitutional validity of criminal defamation in the case of **Subramanian Swamy vs. Union of India, (2016) 7 SCC 221**, the Hon'ble Supreme Court extensively discussed the significance of reputation as a cherished right. It held that the right to freedom of speech and expression under Article 19(1)(a) is not absolute and cannot be exercised to crucify the reputation of another. A balance must be struck between the two fundamental rights. In essence, any statement which has a tendency to injure the reputation of the person or lower him in the estimation of members of the society results in loss of reputation and is defamatory.

20. Now coming back to the question of summoning, the allegations referred above are, if seen in the entire context of the things and evidence of the complainant, prima facie seems to be defamatory if they do not fall within any of the statutory defences prescribed by law itself as well as the other legal requirements, and appear to be intending to harm the reputation of the complainant. The entire burden will be on the accused persons to plead and prove the defence on which they may rely upon, at appropriate stage. The complainant through his own testimony as CW-1 (at the stage of pre-summoning evidence) and through the testimony of other complainant witnesses, has prima facie demonstrated that the accused persons through

a joint press conference and separately through their social media handles, have made publications that Complainant hurled an objectionable invective against the Accused No.1 who happens to be a lady spokesperson of Congress Party . The natural corollary of which was that Complainant was perceived by his friends, acquaintances and public at large to be a male chauvinist, misogynist and someone irreverent to women. The backlash he faced via comments and posts on social media platforms where he was called denigrating names, prima facie establishes that his reputation took a falling. The **video recording of press conference and tweets made on X** placed on record by complaint wherein the accused persons can be heard imputing aforementioned defamatory statements against the complainant. Upon specific query about pendency of complaint made by accused No.1 at PS Tughlaq Road, Ld. counsel had apprised the court that the same was closed by concerned police officials as no evidence was found against the complainant.

21. At this stage, i.e. at the stage of issue of process, the Court cannot be expected to hold a mini trial or to go in the merits of the matter in detail or even to examine the evidence on the scale of 'beyond reasonable doubts', the evidence needs only a prima facie examination. In the matter at hand, without getting into the merits of the certificate u/s 65B Indian Evidence Act of the complainant , in view of the testimonies of the complainant witnesses (CW-2 and CW-3, who have both deposed on oath that they have heard/seen the accused persons making defamatory allegations against the complainant, because of which the image of the complainant got lowered in their eyes and the eyes of the public at large), the factum of the aforesaid utterances/defamatory statements gets prima facie established against the accused persons.

22. Further, in the considered opinion of this court, offence of forgery and creation of false document, and use thereof for purpose of defaming Complainant is also established since Complainant has established that the raw footage of the incident was never given to the accused persons, therefore the video posted by them on X has been created by recording of the live or otherwise telecasted footage of the show by India TV. Complainant has sufficiently also established that accused persons had obtained the telecasted footage of the TV show on 04.06.2024 and superimposed the invective as a caption, stating through an explanatory text along with, that the same was uttered by the complainant against her.

23. At this juncture, the aspect of common intention also needs to be discussed. Whereas the three accused persons can be seen concertedly posting the tweet qua the invective uttered by Complainant within a span of few hours from each, wherein defamatory statements against the complainant were made, their common intention to malign the image of the complainant and to defame him can be prima facie fathomed. It cannot be forgotten that common intention is a matter of inference, to be gathered from the totality of facts and circumstances surrounding the crime. In the matter at hand, having regard to all the material placed on record by the complainant, it prima facie appears that the accused persons have acted in unison to tarnish the image of the complainant by projecting that the complainant had uttered the invective against Accused No. 1. It appears that the accused persons by their spoken and publications made on X, which were intended to be read, have made defamatory imputations against the complainant, knowing and intending to harm the reputation of the complainant. Needless to say, nothing in this order shall tantamount to an expression on the final merits of this case, as the same is matter of trial.

24. Ergo, in view of the aforesaid discussion there exists sufficient grounds to summon the accused persons Ragini Nayak, Pawan Khera and Jai Ram Ramesh u/s 465, 469, 471, 499, 500 IPC on 27.07.2026 Accordingly, the said three accused persons be summoned, upon filing of PF and RC, as per rules . Copy of the complaint be sent along with process.

(DEVANSHI JANMEJA)
JMFC-04/(SE)/Saket Court
Delhi/02.02.2026