



Ex - 93

Registered on	03/ 09 /2021
Decided on	10/02/2026
Duration	04Y/5M/7D

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS , MANSA

Complainant

Adani Enterprise Limited

Address - Adani Corporate House, Shantigram, Near Vaishnodevi Circle, S G Highway, Ahmedabad

VERSUS

Accused

Ravi Nair

Age - Adult, Religion - Hindu,

Residence - House No B-901, Asha Deep Apartment, Plot No 3B, Sector - 2, Dwarka, Delhi

Ld Advocate for the Complainant Mr S V Thakkar, Ms K P Raichura

Ld Advocate for the Accused Mr P B Rupala, Mr Vedant Rajyaguru

Brief fact of the Complaint

- 1 The present complaint is a private complaint filed under section 190 (1)(a) of CrPC (Criminal Procedure Code, 1973) The complainant has stated that they are Adani Enterprises Limited, a company incorporated under the provisions of the Companies Act, 1956, having its corporate office at Adani Corporate House, Shantigram, near Vaishnodevi Circle, S G Highway, Ahmedabad, Gujarat The complaint has been filed through its authorized signatory, Mr Anshul Rajendraprasad Saini, pursuant to a Board Resolution passed by the Board of Directors of the complainant company The complaint alleges commission of the offence of criminal defamation punishable under Section 500 of the Indian Penal Code, 1860, against the accused, Mr Ravi Nair
- 2 It is the case of the complainant that it is a flagship and principal company of what is commonly known as the "Adani Group", which is pleaded to be one of India's leading business conglomerates engaged in diverse sectors including infrastructure, power generation and transmission, gas distribution, ports, airports, logistics, agriculture, edible oils, real estate, and allied activities The complaint elaborates that the Adani Group has been in existence since the year 1988 and has grown into a globally recognised integrated infrastructure player It is pleaded that the trade name and brand "Adani" has acquired immense goodwill and reputation in domestic as well as international markets, and that the general public associates the said name with the business conglomerate of the Adani Group and its constituent companies, including the complainant The complainant asserts that its reputation and goodwill constitute valuable commercial assets and that any false, reckless, or malicious imputations against

the complainant company or the Adani Group have the potential to cause serious harm to its standing amongst investors, shareholders, financial institutions, regulatory authorities, business partners, employees, and the public at large. It is further pleaded that the Adani Group operates in highly regulated sectors and that public perception regarding its integrity, transparency, and compliance with law has a direct bearing on its business operations.

- 3 The complaint alleges that the accused is active on digital and social media platforms and operates a Twitter handle under the name "@t_d_h_nair". It is alleged that between October 2020 and July 2021, the accused published a series of tweets through the said Twitter handle, which, according to the complainant, are scandalous, false, misleading, derogatory, and defamatory in nature. The complaint further alleges that the accused also published and circulated defamatory articles on a website operating under the domain name "www.adaniwatch.org", which has no association whatsoever with the complainant company or any other Adani Group entity. The complaint sets out in detail the contents of multiple tweets published by the accused on various dates, along with their engagement statistics such as likes, retweets, and quote tweets. According to the complainant, the cumulative effect of these tweets is to portray the complainant company and the Adani Group as beneficiaries of undue political patronage, manipulators of laws and policies, and entities engaged in unethical, illegal, or improper business practices. The complaint pleads that several tweets suggest that environmental laws were tweaked or diluted to facilitate Adani-backed projects, that public assets such as ports and airports were transferred to Adani entities through misuse of governmental agencies, and that the Adani Group enjoys preferential treatment from the Central Government. The complaint further alleges that certain tweets attribute

corruption, coercive land acquisition, financial impropriety, regulatory violations, and even human rights abuses to the Adani Group. Some tweets are pleaded to suggest that the Adani Group is financially over-leveraged, poses a systemic risk to public sector banks, or is linked with fugitives and offshore entities. According to the complainant, these allegations are made without verification, authoritative findings, or factual basis, and are presented in a manner calculated to arouse suspicion, distrust, and adverse public opinion against the complainant company.

- 4 In addition to tweets, the complaint alleges that the accused published articles on the website “www.adaniwatch.org” containing distorted and manipulated narratives concerning foreign portfolio investments, alleged regulatory scrutiny, and purported connections with fugitives. It is pleaded that these articles are designed to appear as investigative reporting, while in substance containing unverified and defamatory material intended to harm the complainant company’s reputation, particularly in the eyes of international investors and institutions. The complaint emphasises that the accused published the tweets and articles willfully, deliberately, and with knowledge that the same would be read by the public at large. It is pleaded that the accused was aware of the wide reach of social media platforms and that the publications were intended to create panic and apprehension among investors and shareholders of the complainant company. The engagement metrics of the tweets are relied upon to demonstrate the extent of circulation and public dissemination.
- 5 It is further pleaded that the accused acted without exercising due diligence or responsible journalistic standards. According to the complainant, no attempt was made by the accused to verify facts, seek clarification from the complainant company, or rely upon credible sources before publishing the allegations. The

complaint asserts that the continuity, frequency, and thematic consistency of the tweets indicate a deliberate and coordinated campaign to malign the complainant company and the Adani Group. The complaint pleads that as a consequence of the defamatory tweets and articles, the complainant company suffered serious injury to its reputation and goodwill. It is asserted that the complainant was compelled to explain and clarify the allegations to joint venture partners, foreign institutions, investors, bankers, shareholders, regulatory authorities, employees, and other stakeholders across the globe. It is pleaded that such reputational harm is irreparable in nature and cannot be adequately compensated by monetary damages alone.

- 6 With respect to jurisdiction, the complaint pleads that on 27 July 2021, the authorized signatory of the complainant company viewed and read the defamatory tweets and articles while he was physically present at Mansa, District Gandhinagar, during the course of official work. It is pleaded that the consequences of the alleged offence, namely injury to reputation, ensued at Mansa, thereby conferring territorial jurisdiction upon this Court under Section 179 of the Code of Criminal Procedure. The complaint further pleads that other employees of the complainant company also read the defamatory publications and react to them, thereby establishing communication of the defamatory material to third persons. The complaint asserts that it has been filed within the period of limitation and at the earliest possible opportunity after discovery of the defamatory publications. It is further pleaded that the complainant reserves its right to initiate civil proceedings for damages and to seek additional criminal remedies, including proceedings under Sections 501 and 502 of the Indian Penal Code, in the event of further publication or circulation of the defamatory material. On the basis of the aforesaid allegations, the complainant prays that

this Court be pleased to take cognizance of the offence, issue process against the accused, try him in accordance with law, and upon proof of guilt, convict him for the offence punishable under Section 500 of the Indian Penal Code, along with such other and further orders as may be deemed fit in the interest of justice

- 7 Upon presentation of the complaint, this Court proceeded to examine the complainant in accordance with the provisions of Section 200 of the Code of Criminal Procedure, 1973. Considering the nature of the allegations, the status of the complainant as a corporate entity, and the fact that the accused was residing beyond the territorial jurisdiction of the Court, this Court deemed it appropriate to order an inquiry under Section 202 of the Code of Criminal Procedure to ascertain whether sufficient grounds existed for proceeding against the accused.
- 8 Pursuant to the order passed under Section 202 of the Code, an inquiry was conducted by this Court. During the course of the said inquiry, the complainant led oral as well as documentary evidence in support of the allegations made in the complaint. The complainant examined its authorized representative and produced relevant documents, including copies of the tweets and articles alleged to be defamatory, along with supporting material. Upon consideration of the evidence adduced during the inquiry and upon hearing the complainant, this Court was satisfied that the material placed on record disclosed the existence of a prima facie case for the offence of defamation punishable under Section 500 of the Indian Penal Code. And therefore order was done below Exhibit 1 to file a criminal complaint against the accused and issue process.

- 9 Accordingly, this Court issued process against the accused under Section 204 of the Code of Criminal Procedure. In compliance with the summons issued by this Court, the accused appeared before the Court represented by their advocate. The substance of accusation was stated and explained to the accused as required under law. The plea of the accused recorded in exh 28 wherein the accused pleaded not guilty to the charge and claimed to be tried. Thereafter, the matter proceeded to trial. The complainant was called upon to lead evidence in support of its case. During the course of trial, the complainant examined its witnesses and produced documentary evidence, which was taken on record and exhibited in accordance with law. The accused was afforded full opportunity to cross-examine the prosecution witnesses.
- 10 Upon completion of the prosecution evidence, the complainant declared its evidence closed. Thereafter, the statement of the accused was recorded under Section 313 of the Code of Criminal Procedure, wherein the incriminating circumstances appearing against him from the evidence on record were put to him. The accused denied the allegations, disputed the prosecution case, and claimed innocence. After recording the statement of the accused, the matter was posted for final arguments. Written submissions under Section 314 of the Code of Criminal Procedure were filed on behalf of the complainant as well as on behalf of the accused. The complainant sought conviction of the accused for the offence punishable under Section 500 of the Indian Penal Code, whereas the accused sought dismissal of the complaint and his acquittal on various grounds including maintainability, jurisdiction, evidentiary deficiencies, and lack of proof of the essential ingredients of defamation.
- 11 The following issues arise before this Court for the judicial determination of the present case

In The Court of Judicial Magistrate First Class, Mansa

CC 877/2021

(1) Whether the complainant has proved, beyond reasonable doubt, that the accused made and published the alleged tweets and articles containing defamatory imputations concerning the complainant company, with the intention to harm or with the knowledge or reason to believe that such imputations would harm the reputation of the complainant company, and whether such publications constitute the offence of defamation punishable under Section 500 of the Indian Penal Code ?

(2) What order?

The decisions and reasons of this Court on the above issues are as follows

(1) In the affirmative

(2) As per the final order

12 EVIDENCE ADDUCED BY THE COMPLAINANT

In order to substantiate the allegations made in the complaint, the complainant examined three witnesses and produced documentary evidence. The oral and documentary evidence adduced by the complainant is set out hereinbelow-

Oral Evidence

Sr no	Description	Exhibit
PW1	Mr Anshul Rajendraprasad Saini	41
PW2	Mr Brijesh Sureshbhai Gosai	75

In The Court of Judicial Magistrate First Class, Mansa

CC 877/2021

PW3	Mr Maheshkumar Dosabhai Vadhare	82
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The complainant produced and relied upon the following documents, which were taken on record and exhibited

Documentary Evidence

Sr no	Description	Exhibit
1	Copy of the Board Resolution of the Complainant Company dated 29 07 2021	42
2	Certificate Under Section 65 (B) (4) of the Indian Evidence Act, 1872	45
3	Defamatory Tweet dated 05 11 2020	46
4	Defamatory Tweet dated 24 12 2020	47
5	Defamatory Tweet dated 14 12 2020	48
6	Defamatory Tweet dated 26 11 2020	49

In The Court of Judicial Magistrate First Class, Mansa

CC 877/2021

7	Defamatory Tweet dated 24 11 2020	50
8	Defamatory Tweet dated 11 10 2020	51
9	Defamatory Tweet dated 07 10 2020	52
10	Defamatory Tweet dated 10 10 2020	53
11	Defamatory Tweet dated 20 10 2020	54
12	Defamatory Tweet dated 03 01 2021	55
13	Defamatory Tweet dated 07 10 2021	56
14	Defamatory Tweet dated 15 01 2021	57
15	Defamatory Tweet dated 15 01 2021	58
16	Defamatory Tweet dated 15 01 2021	59
17	Defamatory Tweet dated 15 01 2021	60
18	Defamatory Article dated 29 07 2021	61

19	Defamatory Article dated 30 07 2021	62
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The statements of witness i.e examination in chief and cross examination have been recorded in Gujarati at length and the essence is summarized below

Evidence of PW-1 Mr. Anshul Rajendraprasad Saini (Exh. 41)

13 PW-1 deposed that he has been working with the complainant company since November 2014 and, at the relevant time, was functioning in the communication department of Adani Enterprises Limited. He stated that he was duly authorised to institute and prosecute the present complaint on behalf of the complainant company. In support of his authority, he produced a copy of the Board Resolution, which was exhibited as Exhibit 42. He gave a brief description of the complainant company and stated that it is a flagship company of the Adani Group, which is engaged in various sectors such as infrastructure, power, ports, airports, logistics, and allied activities. He stated that monitoring news and digital media relating to the Adani Group formed part of his professional responsibilities. PW-1 stated that on 27 07 2021, while on company work and during leisure time at Navrang Hotel, Mansa, Gandhinagar, he was searching for digital media updates relating to the Adani Group on his laptop and noticed a tweet posted by the accused Ravi Nair from the Twitter handle @t_d_h_nair_. Upon further examination of the handle, he noticed several tweets posted between 07 10 2020 and 09 07 2021, out of which the complaint is specifically based on tweets dated 07 10 2020, 20 10 2020 and 15 01 2021. According to PW-1, these tweets portrayed a distorted and false relationship between the Central Government and the Adani Group which according to him contained false and misleading imputations suggesting lack of

transparency, manipulation of environmental laws, and misuse of governmental agencies to benefit the Adani Group. Copies of the said tweets were produced and exhibited as part of Exhibits 46 to 60.

- 14 He further stated that the accused had also published articles on a website titled www.adaniwatch.org, which according to him contained distorted and defamatory material against the complainant company and the Adani Group. Copies of the said articles were produced and exhibited as Exhibits 61 and 62. He deposed that the electronic records relied upon by the complainant were supported by a certificate under Section 65(B)(4) of the Indian Evidence Act, which was exhibited as Exhibit 45. PW-1 stated that his colleagues Brijesh Gosai and Mahesh Vadher had also informed him about the defamatory nature of the tweets and expressed concern over the damage caused to the reputation of the Adani Group.
- 15 PW-1 was cross-examined at length by the accused. In cross-examination, PW-1 admitted that his certificate does not mention his exact designation at the time of filing the complaint. He admitted that the Board Resolution relied upon does not bear the signatures of the Directors, does not mention the time or duration of the meeting, and that no documents relating to convening of the Board Meeting dated 14.08.2021 were produced. He further admitted that he is not aware whether consent of all Directors was required for passing such resolution. PW-1 admitted that he first noticed the tweets only on 27.07.2021 and that the complaint and verification do not mention the exact time when the tweets were seen. He admitted that it is not clarified whether the laptop used for taking screenshots was his personal laptop or the company laptop, and that no separate proof regarding the device was produced. He further admitted that he has not produced any document to show the market value of the company's

shares on the relevant dates or any fall in share price after the tweets, nor has any investor complaint been produced. PW-1 admitted that he has not produced his appointment letter or any written authorization assigning him the duty of monitoring social media, though he stated that he was orally or internally assigned such work. He further admitted that he is not aware of amendments to environmental laws in the year 2020 and does not read all government notifications. He denied the suggestion that the tweets were not defamatory or that the complaint was false or filed without authority.

Evidence of PW-2 Mr. Brijesh Sureshbhai Gosai (Exh. 75)

- 16 PW-2 Brijesh Sureshbhai Gosai deposed that he has been working with the Adani Group since 02.07.2018 and is presently working as Deputy Manager in the Corporate Communication Department. He stated that the Adani Group consists of several listed companies, including Adani Enterprises Limited, Adani Ports & SEZ Limited, Adani Energy Solutions Limited, Adani Power Limited, Adani Total Gas Limited, Adani Wilmar Limited, NDTV Limited, ACC Limited and Ambuja Cement Limited. He stated that Adani Enterprises Limited is listed on BSE and NSE and is engaged in nation-building activities such as mining, integrated resource management, airport management, solar and wind energy manufacturing and road construction. He stated that during the second week of August-2021, while searching for 'Adani Group' on Twitter from his office at Adani Corporate House, Shantigam, Ahmedabad, as part of his routine work of monitoring digital media, he came across several tweets containing defamatory comments against the Adani Group from the Twitter handle "t_d_h_nair". He stated that upon further checking, he found that the said tweets were posted between October-2020 and July-2021. He deposed that monitoring social media platforms such as Twitter, Facebook, Instagram,

LinkedIn, YouTube and web portals is part of his regular job responsibility, for which the company provides him with a laptop and third-party monitoring tools such as "Meltwater"

- 17 With regard to the tweet dated 07 10 2020, PW-2 stated that it falsely suggested that only Gautam Adani and Mukesh Ambani were the main players in the CNG and LPG market. He stated that this was incorrect, as several other companies such as Torrent Gas, Gujarat Gas and Sabarmati Gas are also operating in the CNG market. According to PW-2, the tweet was sarcastic and misleading and likely to adversely affect the reputation of the Adani Group in the minds of readers. Regarding the tweet dated 20 10 2020 (tweet no 54), PW-2 stated that it alleged that environmental laws were twisted or broken to facilitate Adani Group projects. He stated that this allegation was false, as environmental laws are equally applicable to the Adani Group and the general public, and the success of the Adani Group is due to its efficiency and quality. He further stated that the article published on the portal "adaniwatch.org" was defamatory in itself and did not specify which environmental laws were allegedly violated.
- 18 With respect to the tweet dated 15 01 2021 (tweet no 58), He stated that it falsely alleged misuse of government agencies in handing over the management of Mumbai Airport to the Adani Group. He stated that the Adani Group had already been operating six airports - Ahmedabad, Lucknow, Jaipur, Mangalore, Thiruvananthapuram and Guwahati prior to Mumbai Airport, and that the allotment was based on efficiency and capability. According to him, the allegations in the tweet were baseless and defamatory. He further deposed that apart from the three specific tweets, several other tweets and articles were published by the accused, all of which conveyed that the growth of the Adani

Group was dependent upon political patronage and that the company would have no future if the present government were to change. He stated that such tweets and articles were intended to create doubt in the minds of readers, particularly foreign investors, thereby damaging the moral, intellectual and reputational standing of the Adani Group. He stated that these tweets were not made in public interest or good faith but solely with the intention to defame. He also stated that the portal "adaniwatch.org" is not associated with the Adani Group and is operated by third parties who publish critical and defamatory articles without verifying facts. He identified the tweets and articles shown to him (Exhs 46 to 60 and 61, 62) as the same tweets and articles published by the accused. He further stated that after seeing the tweets, he informed his colleague Anshul Rajendraprasad Saini telephonically and discussed the defamatory nature of the content. He stated that he thereafter gave his statement before the Court during inquiry.

- 19 In cross-examination, PW-2 admitted that he joined the Adani Group as an Executive in July-2018 and that his job profile included monitoring digital media platforms. He admitted that although monitoring social media is part of his responsibility, he has not produced any documentary proof, appointment letter or written authorization in that regard. He admitted that his affidavit does not mention the market value of Adani Group shares on the dates of the impugned tweets or thereafter, nor does it mention any financial loss suffered by the company. He admitted that he did not take screenshots of the tweets himself and that he informed Anshul Saini telephonically about the tweets without mentioning the exact time of such communication in his affidavit. He admitted that discussions regarding such incidents may take place in group meetings, but stated that he was not part of all meetings and therefore informed

Anshul Saini separately He admitted that initially he was not aware whether Anshul Saini was authorized to file the complaint, but later came to know that such authorization had been given

- 20 He admitted that he is not aware of the detailed operations at the airports managed by the Adani Group and could not state the market position of the Adani Group in the CNG sector during 2020 He denied the suggestion that the tweets were not defamatory or that he was giving false evidence to support the complaint

Evidence of PW-3 Mr. Maheshkumar Dosabhai Vadhare (Exh. 82)

- 21 PW-3 deposed that he worked as a Production Coordinator in the Adani Group from 2018 to 2021, thereafter as Deputy Manager from 2021 to 2025, and is presently working as an Associate Manager He stated that the Adani Group consists of various companies including Adani Ports, Adani Energy Solutions, Adani Green Energy, Adani Power, etc, which are engaged in nation-building activities such as roads, energy solutions and infrastructure He stated that Adani Enterprises is the flagship company of the Adani Group PW-3 stated that while sitting in the office at Adani House, Shantigram, Ahmedabad, he noticed tweets posted from the Twitter handle "@t_d_h_nair", which he found defamatory and damaging to the reputation of the Adani Group He stated that he came across the said tweets during the period between 07.10.2020 and 09.07.2021 With regard to the tweet dated 07.10.2020, PW-3 stated that it falsely claimed that Adani Group had sole control over the CNG market and Reliance had sole control over the PNG market He stated that this was incorrect as several other companies are also involved in the CNG and PNG business He stated that such false depiction was defamatory to the Adani

Group Regarding the tweet dated 20 10 2020 (No 54), PW-3 stated that it alleged that the Government and the Adani Group together were framing rules in a manner harmful to the environment. He stated that this allegation was false and defamatory, as rules are framed by the Government and companies are required to work strictly in accordance with government policies and regulations.

- 22 He further stated with respect to the tweet dated 15 01 2021 (No 58), PW-3 stated that it falsely alleged misuse of government agencies in relation to the Mumbai Airport. He stated that the Adani Group had already been operating airports such as Jaipur, Lucknow and Ahmedabad based on efficiency, and that on the same basis the contract for Mumbai Airport was awarded. According to him, the tweet intentionally stated incorrect facts and was defamatory. PW-3 further stated that tweets numbered 46 to 51, 53, 55 to 57, 59 and 60 were also published from the same Twitter handle. He further deposed that the portal ADANIWATCH.ORG has no connection with the Adani Group and that false and misleading articles published on the said portal damaged the reputation of the Adani Group and adversely affected investor and foreign investor confidence. He stated that articles numbered 61 and 62 published on the said portal were also defamatory. PW-3 stated that after seeing the said tweets and articles, he informed his colleague Anshul Rajendraprasad Saini. He stated that after reading the tweets and articles, he felt insulted and stated that the said publications were not made in public interest or for public good.

- 23 In cross-examination, PW-3 admitted that his affidavit does not mention his role as Production Coordinator from 2018 to 2021 or the detailed duties of his subsequent positions, and that he has not produced his appointment letter. He admitted that although he stated that the laptop used belonged to the company,

he has not mentioned its configuration, model number, login ID, or the exact date and time of accessing Twitter PW-3 admitted that it is not strictly his job to view all social media platforms and that the total number of tweets viewed by him has not been mentioned in his affidavit. He admitted that although he stated that other companies operate in the CNG and PNG sector, he has not named any such companies in his affidavit. He admitted that he is not aware of the incorporation details of Adani Airport Holding Limited. He admitted that his affidavit does not state the market value of Adani Group shares on the dates of the impugned tweets or thereafter, and that no evidence has been produced to show actual damage to reputation or financial loss. He further admitted that no copy of screenshots taken on the day he allegedly viewed the tweets has been produced. He denied the suggestion that the tweets were not defamatory or that he was giving false evidence merely because he is an employee of the Adani Group.

- 24 After which the complainant filed a closing purshish vide exhibit- 86. The defense in their further statement have stated that they do not want to produce any evidence and the matter was taken up for final arguments.

ARGUMENTS ADVANCED ON BEHALF OF THE COMPLAINANT

- 25 Heard the learned advocate for the complainant, who, at the outset, addressed the Court on the definition of defamation as contained in Section 499 of the Indian Penal Code and commenced the arguments by emphasizing that the most relevant exception in cases of defamation is the exception relating to truth and good faith. It was strongly contended that at no point during the trial has the accused taken a defence of truth, good faith, or public good, nor has the accused ever disputed that the impugned tweets were authored and published by him. It

was argued that there has never been a case set up by the accused that the alleged tweets were either not made by him or were made in good faith. The learned advocate further questioned how the accused, having chosen not to lead any defence evidence, seeks to rely upon documentary material for the first time at the stage of final arguments.

26 It was further submitted that the arguments of the learned advocate for the accused are largely based on peripheral and circumstantial aspects such as the location of the complainant, the laptop allegedly used, or the absence of a hotel bill, whereas the complainant himself has categorically stated that when he came across the objectionable tweets he was at Mansa, and mere denial without any contrary evidence cannot dislodge the complainant's version. It was argued that Section 499 IPC clearly speaks of imputation made with intention, knowledge, or reason to believe that it will harm reputation, as contemplated under clauses (2) and (3) thereof, and that the intellectual capacity of the accused is not in dispute, particularly when the accused himself claims to be a media professional for the past ten years, thereby being fully aware of the nature and consequences of his acts. It was further argued that nowhere has the accused denied the publication of the tweets or pleaded the benefit of any statutory exception, and therefore, in absence of any such plea, the accused is liable to be held guilty.

27 Learned advocate also emphasized the applicability of Section 199 of the Code of Criminal Procedure, contending that the complainant company is clearly a "person aggrieved" and that the authorization in favour of the complainant witness is valid in view of Section 179(3) of the Companies Act, 2013, which empowers the Board to authorize representation, and that the objection regarding absence of resolution signed by all directors is misconceived. It was

further submitted that the contention regarding jurisdiction is wholly baseless, as merely questioning the absence of a hotel bill cannot negate the complainant's sworn testimony, particularly when no evidence to the contrary has been produced by the accused. The learned advocate further argued that the defence has attempted to divert the focus by raising questions about share price fluctuations and alleged absence of financial loss, whereas the injury caused by defamation is not limited to immediate economic loss but includes damage to goodwill and reputation, which cannot always be quantified monetarily or reflected instantly in market prices. It was submitted that the cross-examination of the witnesses reveals that no exception under Section 499 IPC has been pleaded by the accused, and on the contrary, admissions regarding the nature and impact of the impugned publications have emerged. The learned advocate contended that the questions put to the witnesses regarding location, device used, or timing do not touch the core ingredients of the offence and that the defence has failed to rebut the essential allegation of defamatory imputation. On these grounds, it was argued that the prosecution has proved its case beyond reasonable doubt and that the complainant has been duly authorized to represent the company in the present proceedings.

- 28 With respect to maintainability, learned counsel submitted that the complaint has been validly instituted through PW-1, Mr Anshul Rajendraprasad Saini, whose authority has been duly proved by production of the Board Resolution at Exhibit 42. It was contended that delegation of authority to institute legal proceedings is a routine and lawful corporate act and that minor discrepancies sought to be highlighted by the defence do not vitiate the substance of authorization. Learned counsel further argued that no material has been brought on record by the accused to discredit the authenticity of the Board Resolution.

On the issue of territorial jurisdiction, learned counsel submitted that PW-1 has categorically deposed that he accessed and read the defamatory tweets and articles at Mansa on 27 07 2021 while on official work. It was argued that under Section 179 of the Code of Criminal Procedure, jurisdiction is attracted at the place where the consequence of the offence ensues, and in cases of defamation through electronic publication, the consequence ensues where the defamatory material is read and reputational injury is caused. Learned counsel submitted that the testimony of PW-1 on this aspect has remained unshaken in cross-examination and therefore the jurisdiction of this Court is clearly made out.

29. Learned counsel further submitted that the complainant has proved publication of defamatory material through electronic means beyond reasonable doubt. Attention of the Court was invited to the certificate under Section 65(B)(4) of the Indian Evidence Act produced at Exhibit 45, which supports the electronic records relied upon by the complainant. It was contended that the accused has not disputed authorship of the tweets posted from his Twitter handle @t_d_h_nair and that the defence has merely raised technical objections without challenging the genuineness of the electronic evidence.
30. On merits, learned counsel submitted that the complainant has relied upon multiple tweets exhibited at Exhibits 46 to 60, and two articles exhibited at Exhibits 61 and 62, which contain serious imputations against the complainant company and the Adani Group. It was argued that the tenor, language, and cumulative effect of these publications clearly suggest allegations of political patronage, manipulation of laws, environmental impropriety, misuse of governmental agencies, financial irregularities, and unethical conduct. Learned counsel submitted that such imputations, when made against a corporate entity

operating in regulated sectors, directly lower its reputation and credibility in the estimation of investors, regulators, and the public at large

31 Learned counsel emphasised that the prosecution witnesses, namely PW-1 at Exhibit 41, PW-2 at Exhibit 75, and PW-3 at Exhibit 82, have consistently deposed regarding the falsity and defamatory nature of the imputations contained in the tweets and articles. It was argued that merely because the witnesses are employees of the complainant company, their evidence cannot be discarded, particularly when their testimony is consistent and supported by documentary evidence. Learned counsel submitted that in cases of corporate defamation, employees and officers of the company are the most natural witnesses to speak about reputational harm. Addressing the defence contention that no financial loss has been proved, learned counsel submitted that proof of monetary loss is not a *sine qua non* for the offence of defamation. It was argued that injury to reputation is itself the gravamen of the offence and that reputational harm cannot always be quantified in financial terms. Learned counsel submitted that PW-1 has deposed that the complainant company was compelled to offer explanations and clarifications to various stakeholders as a result of the defamatory publications, which itself demonstrates reputational injury.

32 With respect to the defence plea of good faith and public interest, learned counsel submitted that the burden of proving applicability of exceptions to Section 499 of the Indian Penal Code lies on the accused. It was argued that the accused has neither pleaded nor proved any specific exception by leading cogent evidence. Learned counsel submitted that reckless allegations, insinuations, and sarcastic commentary without due verification cannot be protected under the guise of good faith or public interest. Learned counsel

further submitted that the continuity and frequency of the tweets, spread over several months, demonstrate a deliberate and sustained attempt to malign the complainant company rather than a bona fide expression of opinion. It was argued that the engagement statistics of the tweets, though not determinative of truth, clearly indicate wide circulation and public reach, thereby aggravating the harm caused to the complainant's reputation. Further Learned advocate for the complainant mentioned that the complainant submitted that the complainant has proved its case beyond reasonable doubt by leading cogent, reliable, and consistent oral and documentary evidence. It was therefore prayed that this Court be pleased to hold the accused guilty of the offence punishable under Section 500 of the Indian Penal Code and to convict him in accordance with law.

33 Ld advocate for the complainant relied on following citations-

- *Subramanian Swamy V Union of India (2016) 7 Supreme court cases 221*
- *Dilip Kumar Hazarika & Ors V Nalin ch Buragohain (2002) 2 Gauhati Law reports 132*
- *Rohini Singh D/o Late M B Singh And 6 ors V State of Gujarat 2018(0) Ajel-HC 238701*

ARGUMENTS ADVANCED ON BEHALF OF THE DEFENCE

34 The learned advocate for the accused assailed the prosecution case at the threshold by raising a serious challenge to the maintainability of the complaint and structured his submissions around four core aspects, namely, maintainability of the complaint, territorial jurisdiction of the Court, lack of valid authorization, and fundamental defects in the complaint itself. It was

contended that the complainant is not a “person aggrieved” within the meaning of Section 199 of the Code of Criminal Procedure, as the alleged defamatory material refers only to “Adani Group” and occasionally to “Gautam Adani”, neither of whom is before the Court, and Adani Enterprises Limited, which has filed the complaint, is nowhere specifically named in the impugned tweets or articles. It was argued that “Adani Group” is not a juristic entity known to law and no evidence has been led to establish the legal identity of such a group or to demonstrate how Adani Enterprises Limited is directly and specifically defamed by the publications. The learned advocate submitted that none of the directors of the complainant company have come before the Court to depose, and at best, employees of the company have been examined, who cannot be treated as aggrieved persons, as employees are aware of internal facts and cannot speak to reputational damage in the eyes of the public at large. It was argued that the company, being a separate legal entity, can neither “see” nor “feel” reputational harm, and in absence of examination of any independent witness, shareholder, investor, or member of the public, the allegation of defamation remains unsubstantiated.

- 35 The learned advocate further contended that the authorization relied upon by the complainant is fundamentally defective. It was argued that no valid Board Resolution has been brought on record to show that the Board of Directors consented to the institution of the present complaint, and the alleged authorization by the Company Secretary and Joint President (Legal) cannot substitute a decision of the Board as required under the Companies Act, 2013. Reliance was placed upon Section 179(3) of the Companies Act, with particular emphasis on clauses (d) to (f), to submit that institution of legal proceedings requires specific authorization by the Board, and delegation by officers without

a proper board mandate is legally impermissible. It was further argued that the resolution placed on record lacks legal clarity, does not disclose participation of directors, and therefore cannot confer authority to prosecute the accused.

36 On the question of territorial jurisdiction, it was argued that jurisdiction can arise only where the offence is committed or where its consequence ensues, and the prosecution has failed to establish either. The learned advocate submitted that the complainant has attempted to artificially create jurisdiction by asserting presence at Mansa or Ahmedabad without producing any cogent material such as hotel bills, travel records, or contemporaneous proof. It was argued that the complainant himself admitted in cross-examination that no documentary material was produced to substantiate his presence, and therefore the assertion of jurisdiction is an afterthought. It was further submitted that neither the company nor its directors are located at Mansa, and no consequence of the alleged offence has been shown to have arisen within the territorial limits of this Court.

37 The learned advocate further argued that the very foundation of defamation is missing, as the prosecution has failed to demonstrate which exact part of the tweets constitutes a defamatory imputation. It was contended that the witnesses have merely described the tweets as “false” or “misleading”, but falsity by itself does not amount to defamation unless accompanied by intention or knowledge to harm reputation. It was argued that the witnesses have attempted to redefine the tweets based on their own perception rather than reading them as they stand. The learned advocate submitted that the prosecution has not led any evidence to show that the tweets lowered the reputation of the complainant in the estimation of right-thinking members of society, nor has any evidence been produced to show that any shareholder, investor, or third party was influenced or misled by

the impugned publications. The contention that foreign investors were affected is unsupported by any documentary evidence, correspondence, or withdrawal of investment.

- 38 It was further argued that the prosecution has failed to establish compliance with Section 65B of the Evidence Act, as the witnesses were unable to clarify which laptop was used, whether it was a personal or company device, how the data was extracted, and on what basis the certificate was issued. These deficiencies, according to the defence, strike at the root of the admissibility of electronic evidence. It was also argued that the dates of viewing the tweets are uncertain, screenshots were not contemporaneously taken, and links to articles referred to in the tweets were not examined, nor were the authors of those linked articles arraigned as accused, rendering the prosecution selective and incomplete.
- 39 The learned advocate further invoked Section 52 IPC and submitted that the concept of good faith requires due care and attention, and that criticism based on material available in the public domain, after reasonable verification, falls within the protection of law. It was argued that the prosecution has not led any evidence to show absence of due care or to negate good faith, and that mere absence of defence evidence does not relieve the prosecution of its burden. It was further submitted that no financial loss has been proved, no goodwill damage has been quantified, and the complaint has been concocted to create jurisdiction and criminal liability where none exists. On these grounds, the learned advocate for the accused submitted that the complaint is not maintainable, the Court lacks jurisdiction, the authorization is invalid, the essential ingredients of defamation are not proved, and the accused is entitled to acquittal.

- 40 At the outset, learned counsel contended that the present complaint itself is not maintainable under Section 199 of the Code of Criminal Procedure, as the complainant company cannot be regarded as a "person aggrieved." It was argued that the alleged defamatory tweets and articles do not refer specifically to Adani Enterprises Limited, but use expressions such as "Adani Group," "Adani," or refer to individuals such as Gautam Adani. Learned counsel submitted that "Adani Group" is not a juristic entity and that no material has been placed on record to demonstrate how imputations against an undefined group automatically translate into defamation of the complainant company. It was argued that none of the witnesses have produced documents establishing a legal identity of "Adani Group" or authorisation by such a group to the complainant company to prosecute the present complaint.
- 41 Learned counsel further submitted that the complainant has failed to prove territorial jurisdiction. It was argued that the complainant company has its corporate office at Ahmedabad and that the alleged tweets and articles were published on digital platforms accessible throughout India and abroad. Learned counsel submitted that jurisdiction cannot be artificially created merely by stating that PW-1 viewed the tweets at Mansa. Attention was drawn to the cross-examination of PW-1 (Exhibit 41), wherein he admitted that he did not produce any travel records, hotel bills, or other documentary evidence to establish his presence at Mansa on the relevant date. It was argued that such a bald assertion is insufficient to invoke jurisdiction under Section 179 of the Code of Criminal Procedure and that the complaint has been filed at a distant place only to harass the accused.
- 42 On the issue of authorization, learned counsel contended that the complainant has failed to prove valid authority to institute the complaint. It was argued that

the complaint refers to a Board Resolution dated 29 07 2021, whereas the resolution produced on record at Exhibit 42 bears a different date. Learned counsel submitted that this discrepancy goes to the root of the matter and raises serious doubt about the authority of PW-1 to file the complaint. It was further argued that Section 179 of the Companies Act, 2013 does not empower the Board of Directors to delegate powers to institute criminal proceedings and that the complainant has misread the statutory provision. Learned counsel also submitted that none of the Directors of the complainant company were examined as witnesses and that there is no evidence to show that any Director personally read the alleged defamatory publications. Learned counsel next assailed the admissibility of the electronic evidence relied upon by the complainant. It was submitted that the certificate under Section 65(B) of the Indian Evidence Act at Exhibit 45 does not satisfy the mandatory requirements of law. Attention was drawn to the deposition of PW-1, wherein he admitted that he has not specified the device or laptop on which the alleged tweets and articles were viewed or captured. Learned counsel argued that in the absence of proper foundational evidence, the electronic records at Exhibits 46 to 62 cannot be relied upon.

- 43 It was further argued that the complainant has failed to establish beyond reasonable doubt that the accused authored or published the tweets in question. Learned counsel submitted that merely because the tweets appear on a particular Twitter handle, authorship cannot be presumed in criminal proceedings without strict proof. Learned counsel also raised a procedural objection regarding misjoinder of causes of action. It was submitted that the complainant has relied upon multiple tweets published on different dates, on different subject matters, and involving different allegations. Learned counsel

contended that these tweets do not form part of the same transaction and therefore a joint complaint is barred under Sections 219 and 220 of the Code of Criminal Procedure. According to the defence, this procedural defect is fatal to the prosecution case.

- 44 On merits, learned counsel submitted that mere falsity or incorrectness of a statement does not amount to defamation. It was argued that the prosecution witnesses have failed to read or reproduce the alleged defamatory statements accurately in their depositions and have instead given their own interpretations and conclusions. Learned counsel submitted that none of the witnesses have demonstrated how the alleged imputations lower the moral or intellectual character of the complainant company, or lower its credit in the estimation of others, as required under Section 499 of the Indian Penal Code. Learned counsel emphasised that the witnesses PW-1 (Exh 41), PW-2 (Exh 75), and PW-3 (Exh 82) are all employees of the complainant company and are subordinate to it in hierarchy. It was argued that their testimony is therefore interested and biased, and that no independent witness has been examined to corroborate the alleged reputational harm. Learned counsel submitted that contradictions and omissions in the depositions of the prosecution witnesses further weaken the prosecution case.
- 45 With respect to alleged reputational or financial loss, learned counsel submitted that the complainant has failed to produce any material whatsoever to show that the tweets or articles caused any actual damage. It was argued that no evidence of decline in market capitalization, loss of contracts, withdrawal of investments, or adverse regulatory action has been produced. Learned counsel contended that bald assertions of reputational harm, without corroborative material, cannot sustain a conviction. Learned counsel further submitted that the publications

relied upon by the complainant fall within the exceptions to Section 499 of the Indian Penal Code. Reference was made to the definition of "good faith" under Section 52 of the Indian Penal Code. It was argued that the tweets and articles were based on material already available in the public domain and were published after due care and attention. According to the defence, the publications constitute fair comment and criticism on matters of public importance and governance and are therefore protected.

- 46 Further Ld advocate has also submitted that the tweets by the accused were in good faith as they were based on research done from articles and at the stage of Final arguments they have produced the research material from which the accused got the content he posted and have stated that links of the source of tweets has been mentioned and accused is not the one who has made the averments against the complainant rather the authors of the linked articles have given the findings and accused has merely posted that along with the links to the original articles which have the details of their authors and so it is not directly coming from the accused and all the authors of the linked articles have not been implicated in the present case and so accused shall also be given the benefit and that the complaint ought to have been dismissed at the threshold under Section 203 of the Code as neither the court has jurisdiction and nor the complainant has locus. In conclusion, learned counsel for the accused submitted that the prosecution has failed to prove its case beyond reasonable doubt and that the accused is entitled to the benefit of doubt. Learned counsel appearing for the accused submitted that the prosecution has failed to establish a legally maintainable case of criminal defamation and that the accused is entitled to an acquittal on multiple grounds, including lack of jurisdiction, lack of locus standi, procedural irregularities, evidentiary deficiencies, and failure to prove

the essential ingredients of Section 499 of the Indian Penal Code It was therefore prayed that the complaint be dismissed and the accused be acquitted of the charge under Section 500 of the Indian Penal Code

47 Ld advocate for the accused relied on following citations-

- *Subramanian Swamy V Union of India (2016) 7 Supreme court cases 221*
- *Dr Brahma Chellaney V Marpol Pvt. Ltd 2005 SCC online Bom 1530*
- *S Khushboo V Kanniammal & Anr (2010) 5 Supreme court Cases 600*
- *G Narasimhan, G Kasturi And K. Gopalan v T V Chokkappa (1972) 2 SCC 680*
- *M P Narayana Pillai & Ors V M P Chacko & Ors 1986 SCC Online Kerala 322*

FINDINGS OF THE COURT AND REASONS

48 Upon consideration of the pleadings, the oral and documentary evidence adduced by the complainant, the statement of the accused recorded under Section 313 of the Code of Criminal Procedure, and the rival written submissions advanced on behalf of the complainant and the accused, the following points arise for determination in the present case Firstly, Maintainability under Section 199 CrPC ie whether the complainant company is a "person aggrieved" Secondly Territorial jurisdiction under Section 179 CrPC ie whether this Court can entertain and try the complaint Thirdly Authority to institute proceedings validity of institution through an authorised representative and Board Resolution Fourthly Admissibility and proof of electronic evidence ie compliance with Section 65B of the Evidence Act

Procedural objections by the defence regarding misjoinder / Sections 219–220 CrPC Fifth proof beyond reasonable doubt of defamation - publication, imputations, intention/knowledge under Sections 499–500 IPC Nature of publications defamatory per se vs opinion/criticism Applicability of exceptions to Section 499 IPC - particularly Exceptions 1 and 9 And then the credibility and probative value of prosecution evidence - effect of absence of independent witnesses

49 To discuss Whether the present complaint is maintainable in law, having regard to the provisions of Section 199 of the Code of Criminal Procedure, particularly on the question as to whether the complainant company can be regarded as a “person aggrieved” by the alleged defamatory publications? The first objection raised on behalf of the accused goes to the very root of the maintainability of the complaint It is contended that the present complaint is barred under Section 199 of the Code of Criminal Procedure, as the complainant company cannot be regarded as a “person aggrieved” by the alleged defamatory publications According to the defence, the tweets and articles relied upon by the complainant do not name Adani Enterprises Limited specifically, but instead refer to expressions such as “Adani”, “Adani Group”, or individuals associated with the group, and therefore the complainant lacks locus to maintain the prosecution

50 ***Section 199 of the Code of Criminal Procedure provides that no court shall take cognizance of an offence punishable under Chapter XXI of the Indian Penal Code, except upon a complaint made by “some person aggrieved” by the offence*** The expression “person aggrieved” is not defined in the Code and therefore has to be understood in the light of the substantive offence of defamation as defined under Section 499 of the Indian Penal Code Explanation 2 to Section 499 IPC assumes significance in this context The said explanation

provides that “It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such” The legislative intent behind Explanation 2 is clear, namely, that a juristic entity such as a company, or a collective body of persons, is entitled to protection of its reputation, and that imputations directed against such entities are actionable in law Also Hon’ble Supreme Court has consistently held that in order to satisfy the requirement of being a “person aggrieved”, it is not necessary that the complainant must be named verbatim in the defamatory publication What is required is that the complainant must be clearly identifiable, either expressly or by necessary implication, to a reasonable reader

- 51 In *G Narasimhan v TV Chokkappa*, (1972) 2 SCC 680, the Supreme Court held that, - “ *Explanation 2 to the section lays down that it may amount to defamation to make an imputation concerning a company or an association or collection of persons But such a collection of persons must be an identifiable body, so, that, it is possible to say with definiteness that a group of particular persons ,is distinguished from the rest of the community, was defamed Therefore, in a case where Explanation 2 is resorted to the identity of the company or the association or the collection of persons must be established so as to be relatable to the defamatory words or imputations If a well defined class is defamed, every particular member of that class can file a complaint even if the defamatory imputation does not mention him by name* ” explained the principle governing defamation of a group or class of persons in the following terms “Where defamatory words are used in respect of a class of persons, an individual member of that class can maintain an action if the class is definite and identifiable and if the words can be said to refer to him ” The Court further clarified that the test is not whether

the complainant is named, but whether the class or body targeted is sufficiently definite so as to make the complainant identifiable. Similarly, in *John Thomas v Dr K Jagadeesan*, (2001) 6 SCC 30, the Supreme Court gave similar findings. It is not necessary that the complainant must be named in the defamatory matter. It is sufficient if the complainant can establish that the words complained of would be understood by reasonable persons as referring to him.”

52 Applying these settled principles to the present case, this Court finds that the complaint, as well as the evidence on record, consistently asserts that the complainant company is the flagship and principal entity of what is popularly and commercially known as the “Adani Group”. The publications relied upon by the complainant repeatedly refer to business activities, infrastructure projects, financial dealings, regulatory matters, and governmental interactions associated with “Adani” or “Adani Group”. These references are not vague or abstract, but relate to identifiable commercial enterprises operating in the public domain. From the standpoint of an ordinary reader, particularly one acquainted with contemporary business and economic affairs, the expressions “Adani” or “Adani Group” are not capable of being understood as referring to an indeterminate or amorphous body. On the contrary, they point to a well-known conglomerate of companies, of which the complainant is pleaded and shown to be a principal constituent. In such circumstances, it would be artificial and contrary to common sense to hold that imputations against the “Adani Group” do not concern the complainant company.

53 The Supreme Court has also recognised that the reputation of a company is not confined to its registered name alone, but extends to the commercial identity by which it is known in the public domain. In *Subramanian Swamy v Union of*

India, (2016) 7 SCC 221, while upholding the constitutional validity of criminal defamation, the Supreme Court observed Reputation is an integral part of the dignity of a person and is a facet of the right to life under Article 21 " Though the observation was made in the context of individual reputation, the Court also acknowledged that juristic persons are entitled to protection of reputation, as defamation under Section 499 IPC expressly extends to companies and associations The contention of the defence that only a Director of the company could have maintained the complaint is also devoid of substance Section 199 CrPC does not mandate that the complaint must be instituted personally by the highest officer of the company A company, being a juristic person, necessarily acts through authorised representatives Once it is shown that the complaint is instituted on behalf of the company by a duly authorised person, the requirement of Section 199 stands satisfied

- 54 It is also pertinent to note that the bar under Section 199 CrPC is intended to prevent frivolous or third-party prosecutions in defamation cases It is not intended to deny access to justice to a party whose reputation is directly and substantially affected by the alleged imputations In the present case, the complainant has asserted, from the inception, that the imputations directly concern its business integrity, regulatory compliance, and commercial credibility Such assertions cannot be brushed aside at the threshold on a hyper-technical reading of the publications At this stage of consideration, the Court is not required to finally determine the truth or falsity of the imputations The question is whether the complainant can, in law, be regarded as a "person aggrieved" In light of the statutory framework and the authoritative pronouncements of the Supreme Court, this Court is of the considered view that the complainant company satisfies the said requirement Accordingly, this Court

holds that the present complaint is maintainable in law, and that the complainant company is a "person aggrieved" within the meaning of Section 199 of the Code of Criminal Procedure

55 The objection regarding territorial jurisdiction is founded on the contention that the complainant company has its corporate office at Ahmedabad and that the alleged publications were made on digital platforms accessible throughout the country and abroad. It is contended that jurisdiction cannot be conferred merely because an employee of the complainant claims to have accessed the publications within the territorial limits of this Court. Section 179 of the Code of Criminal Procedure provides that where an offence is constituted by an act and the consequence which ensues, the offence may be inquired into or tried by a court within whose jurisdiction such act was done or such consequence ensued. The offence of defamation is not complete merely upon publication, it is complete when the defamatory imputation is communicated to a third person and causes injury to reputation. Further, the Supreme Court reiterated that territorial jurisdiction in defamation cases is to be determined with reference to the place where the defamatory communication is made and where its impact is felt.

56 In order to examine the said objection, it is necessary to advert to the statutory scheme governing territorial jurisdiction. While Section 177 of the Code of Criminal Procedure lays down the general rule that an offence shall ordinarily be tried at the place where it is committed, Section 179 carves out a specific exception. Section 179 provides that when an act is an offence by reason of something done and a consequence which ensues, the offence may be tried by a court within whose local jurisdiction such act was done or such consequence ensued. The offence of defamation is not complete merely upon the making or

uploading of an imputation. One of its essential ingredients is communication of the imputation to a third person, resulting in injury to reputation. In cases involving publication through electronic or digital platforms, the place where the allegedly defamatory content is accessed and where the reputational harm is pleaded to have occurred becomes relevant for the purpose of territorial jurisdiction. In the present case, the complainant has specifically pleaded that the alleged defamatory tweets and articles were accessed and read within the territorial jurisdiction of this Court. PW-1 has deposed on oath that while he was present at Mansa, he came across the impugned publications and that the injury to the reputation of the complainant company ensued therefrom. This assertion has been consistently maintained by the complainant throughout the proceedings. The defence has sought to discredit this version by pointing out that no documentary evidence such as travel bills, hotel receipts, or location records has been produced to corroborate the presence of PW-1 at Mansa. However, at the stage of determining territorial jurisdiction, the Court is not required to insist upon proof of jurisdictional facts with the same degree of strictness as required for proving guilt. The question is whether there is material on record which, if accepted, discloses that a part of the cause of action or consequence of the alleged offence arose within the jurisdiction of the Court. In view of Section 179 CrPC and the evidence on record, this Court is satisfied that the alleged consequence of the offence ensued within its territorial jurisdiction.

- 57 Also it has been time and again held by hon'ble courts that objection to jurisdiction shall be taken at the earliest possible opportunity. In the present case the objection has been raised by the accused at the final arguments after more than 4 years of trial, also the objection at such later stage could be

entertained only if it has caused consequent failure of justice however nothing such has been brought to record by the defendant. Also accused has not brought anything on record contradictory to that claimed by the complainant and there was there is nothing through which we can raise a doubt to the jurisdiction as it is correct that no additional evidence has been brought but nothing contradictory or doubtful has also not been brought to record and therefore it would be fair to presume that the court has jurisdiction.

- 58 The complainant has relied upon electronic records in the form of screenshots and printouts of tweets published from the Twitter handle attributed to the accused, as well as articles allegedly published on a website. The accused has objected to the admissibility and proof of such electronic evidence on the grounds that the requirements of law have not been duly complied with, and that the prosecution has failed to establish the source, device, and authenticity of the electronic records. Section 65B of the Indian Evidence Act governs the admissibility of electronic records. It contemplates that electronic evidence may be admitted in secondary form, provided the statutory requirements are satisfied. The provision requires certification to the effect that the electronic record was produced from a computer system used regularly, that the information was fed in the ordinary course of activities, and that the computer was operating properly at the relevant time. In the present case, the complainant has produced a certificate under Section 65B of the Evidence Act, which has been exhibited on record. PW-1 has deposed that the tweets and articles were accessed on an electronic device and that the printouts produced correspond to what was displayed on the screen at the relevant time. The certificate purports to certify the manner in which the electronic records were produced. Hon'ble Supreme court in *Arjun Panditrao Khotkar v Kailash Kishanrao Goratyal*

certificate under Section 65B (4) of the Evidence Act ("Act") is essential for admissibility of electronic records. The certificate constitutes evidence for identification of an electronic record and provides particulars of any device involved in the production of that electronic record, 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. The objection of the accused that the prosecution has not specified the exact configuration, model, or serial number of the device used does not, by itself, render the evidence inadmissible. The law requires compliance with the substance of Section 65B, not a hyper-technical description of hardware specifications. The purpose of the provision is to ensure authenticity and reliability of electronic records, not to impose impractical evidentiary burdens. It is also relevant to note that the accused has not disputed that the Twitter handle from which the tweets were published belongs to him, nor has it been suggested that the tweets and articles relied upon are fabricated or manipulated. The defence has primarily questioned the legal sufficiency of proof rather than the genuineness of the electronic material itself. At the stage of appreciation of electronic evidence, the Court is required to examine whether the statutory safeguards have been broadly satisfied and whether the material inspires confidence. The electronic records relied upon by the complainant have been consistently referred to during the examination of witnesses and form part of the contemporaneous documentary record. There is no material to indicate that the electronic evidence is inherently unreliable or incapable of being acted upon. Accordingly, the Court is satisfied that the electronic evidence relied upon by the complainant has been brought on record in substantial compliance with the requirements of law and is admissible for consideration.

59 Further The accused has contended that the complaint is vitiated by misjoinder of causes of action, as the alleged defamatory tweets and articles pertain to different subject matters, were published on different dates, and do not form part of the same transaction. It is argued that separate complaints ought to have been filed in respect of each publication. On the other hand, the complainant contends that the publications form part of a continuous and deliberate course of conduct aimed at tarnishing the reputation of the complainant company, and that they disclose a common thread of imputations alleging impropriety, illegality, and undue influence. Upon careful examination of the record, this Court finds that the publications relied upon by the complainant cannot be viewed in isolation. Though the tweets and articles pertain to different events and were published over a period of time, they consistently target the complainant company and its group by alleging unethical conduct, manipulation of laws, misuse of governmental machinery, environmental violations, and financial impropriety. The tenor, theme, and direction of the publications are uniform. The law does not require that every act forming part of a transaction be identical in form or content. What is material is whether the acts are so connected as to form a series of acts constituting the same transaction. In the present case, the publications disclose continuity of purpose and design, and cannot be said to be wholly independent or unrelated. Turning to the core issue of defamation, the complainant is required to establish that the accused made or published imputations concerning the complainant company with the requisite mental element. The evidence on record shows that the publications attribute conduct to the complainant company which, if believed, would lower its moral and commercial standing in the estimation of the public, investors, regulators, and business partners.

- 60 The imputations are not confined to neutral reporting of facts. They go beyond mere narration and contain assertions suggesting cronyism, manipulation of statutory processes, lack of integrity, and unethical business practices. Such allegations, when published without substantiation, have a direct bearing on the reputation of a corporate entity operating in the public and financial domain. The defence has argued that the publications amount to fair criticism or expression of opinion. While the right to freedom of speech includes the right to criticise, such criticism must remain within the bounds of law. Expressions of opinion cease to enjoy protection when they are presented as assertions of fact, particularly when they impute dishonesty or illegality without verification. A careful reading of the publications shows that they are couched in a manner calculated to convey factual wrongdoing rather than speculative commentary. The language used is not tentative or exploratory, but declaratory and accusatory. An ordinary reader is likely to understand the imputations as statements of fact affecting the integrity and credibility of the complainant company.
- 61 The prosecution witnesses have consistently stated that the publications adversely affected the reputation of the complainant company and created doubt and mistrust among stakeholders. While the defence has emphasised the absence of proof of quantifiable financial loss, it is well recognised that reputational harm is not always susceptible to mathematical measurement. The offence of defamation is complete upon publication of imputations having the tendency to harm reputation. The cumulative effect of the evidence, rather than isolated scrutiny of individual publications, is required to be considered. Viewed in totality, the publications form part of a sustained narrative portraying the complainant company in a disreputable light. In the case of Chaman Lal v

State of Punjab (1970) 1 SCC 590 The Supreme Court discussed the burden of proof, establishing that in defamation cases, the falsity of the charge is presumed in the plaintiff's favour, and actual monetary loss is immaterial. And also in **Subramanian Swamy v Union of India (2016) 7 SCC 221** The Supreme Court upheld the criminal defamation law, reiterating that the right to reputation is a fundamental right under Article 21 and the state has a legitimate interest in protecting it. So the defence through their cross examination and argument have tried to bring on record again and again that no monetary loss has been caused to the complainant as no such details have been brought on record but monetary loss is not relevant to prove the offence of defamation. Mental agony is also sufficient and so it is not necessary to bring on accounts showing decline due to the publication of the accused. Here it will be relevant to discuss section 499 of Indian Penal Code in verbatim -

Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person

Explanations

- 1 It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives*
- 2 It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such*
- 3 An imputation in the form of an alternative or expressed ironically, may amount to defamation*
- 4 No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that*

person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful

Exceptions

- 1 Imputation of truth which the public good requires to be made or published – It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published Whether or not it is for the public good is a question of fact**
- 2 Public conduct of public servants – It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further**
- 3 Conduct of any person touching any public question -It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further**
- 4 Publication of reports of proceedings of courts- It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings**
- 5 Merits of case decided in Court or conduct of witnesses and others concerned It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further**
- 6 Merits of public performance – It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no farther**
- 7 Censure passed in good faith by person having lawful authority over another – It is not defamation in a person having over another any authority, either conferred by law or**

arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates

8 Accusation preferred in good faith to authorised person – It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation

9 Imputation made in good faith by person for protection of his or other' interests – It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good

62 Defamation, in its legal sense, involves the making or publication of an imputation concerning a person, with the intention to harm, or with knowledge or reason to believe that such imputation will harm the reputation of such person Reputation, in turn, is not limited to personal honour or moral standing alone, in the case of a company, it extends to its commercial credibility, integrity, ethical standing, and trustworthiness in the eyes of investors, regulators, business partners, and the general public

63 In the present case, the complainant is a corporate entity engaged in infrastructure, energy, and allied sectors, operating in highly regulated environments and dependent upon public confidence, investor trust, and regulatory goodwill Any imputation suggesting illegality, manipulation of laws, undue political influence, environmental wrongdoing, or financial impropriety is not a matter of mere opinion when directed against such an entity Such imputations strike at the very foundation of its reputation and business standing

64 At the cost of repetition to carry on discussion as to the nature of tweets parts of tweets are referred to , the accused published the following imputations on his publicly accessible Twitter handle "When it comes to Natural Gas, there are

two Major Private Players in India Mukesh Ambani wants to be the number one LPG supplier in India and Gautam Adani wants to be numero uno of the CNG market What a transparent move! Wah wah ” (Tweet dated 07 10 2020) “Modi government tweaked environmental laws to facilitate an Adani-backed project get clearance ” (Tweet dated 20 10 2020) “When it comes to Adani group, Govt knows how to bend laws and rules to fit in PM Modi’s favorite crony Adani group is a bubble It will burst sooner than later and lot of public sector banks and scores of small investors will be doomed ” (Tweet dated 26 11 2020) “Who is this Adani? Adani had a documented history of corruption, bribery, abuses and human rights across the world It was also facing further criminal investigations for alleged involvement in multi-billion-dollar fraud in India ” (Tweet dated 05 02 2021) “If fugitive Jatin Mehta, who defrauded Indian banks to the tune of nearly Rs 7,000 crore, was not the father-in-law of Vinod Adani’s daughter, the Modi govt would have taken more interest to bring back the fraudster ” (Tweet dated 24 06 2021)

- 65 A careful reading of the publications relied upon by the complainant reveals that the language employed is not merely descriptive or interrogative The imputations are framed in a manner that conveys assertions of fact rather than speculative opinion Expressions suggesting that laws have been “tweaked” to favour the complainant, that governmental agencies have been misused for its benefit, or that the complainant’s growth is attributable to political patronage, are not value-neutral statements They convey a clear suggestion of unethical or unlawful conduct The distinction between permissible criticism and defamatory imputation is subtle but crucial Fair criticism ordinarily addresses matters of public interest, is grounded in facts that are either admitted or verifiable, and is expressed without imputing dishonest motives or illegal

conduct unless supported by due verification. In contrast, an imputation becomes defamatory when it alleges, directly or by necessary implication, that the subject has acted dishonestly, illegally, or immorally, thereby lowering its estimation in the eyes of others. The publications in question do not merely critique policies or express disagreement with governmental decisions. Instead, they attribute those decisions to alleged collusion or favouritism towards the complainant. Such attribution shifts the focus from policy criticism to character and conduct, thereby crossing the threshold from protected expression into actionable defamation. It is also relevant to note that defamation does not require proof of actual loss or demonstrable financial damage. The offence is complete if the imputation has the tendency to harm reputation. In the corporate context, reputational harm may manifest not only in immediate financial loss but also in erosion of trust, scepticism among stakeholders, and long-term damage to credibility. These consequences are often intangible and not readily susceptible to precise quantification.

- 66 The defence has emphasised that the publications were part of public discourse and journalistic commentary. While the freedom of speech includes the right to question corporate conduct and governmental policy, such freedom is not absolute. The law draws a clear line between responsible critique and reckless imputation. Where statements are presented as factual assertions without adequate verification, and where they impute misconduct rather than merely express opinion, the protection ordinarily afforded to free expression stands diluted. The mental element required for defamation can be inferred from the nature and tenor of the publications themselves. When imputations are repeated over time, directed consistently at the same entity, and framed in language suggesting wrongdoing rather than inquiry, it becomes reasonable to infer

knowledge of their likely impact on reputation. Intention, in such cases, need not be proved by direct evidence, it can be gathered from the circumstances surrounding the publication.

- 67 Furthermore, the medium of publication is not irrelevant. Social media platforms and online portals have instantaneous and wide-reaching dissemination. Publications made through such media have the potential to reach a vast and diverse audience, including investors, regulators, and international stakeholders. The probability of reputational harm is therefore significantly amplified. When imputations of a serious nature are made through such platforms, the author cannot feign ignorance of their likely consequences. Viewed cumulatively, the publications relied upon by the complainant disclose a pattern of imputations that go beyond isolated remarks or casual commentary. They create a narrative portraying the complainant company as an entity thriving through illegitimate means and improper influence. Such a portrayal, if accepted by readers, would unquestionably lower the complainant's reputation in the estimation of right-thinking members of society. The Court is required to assess not merely the literal words used, but the overall impression conveyed to an ordinary reader. When so assessed, the publications cannot be characterised as mere opinion or fair criticism. They contain imputations of a nature that squarely attract the mischief of Section 499 of the Indian Penal Code.
- 68 The accused has taken defence that the tweets were done after due research of the articles which were linked to the tweets and Exception 9, relating to imputation made in good faith for the protection of interest or for public good shall be applicable in the present case. At the outset, it is necessary to note that the exceptions to Section 499 do not operate automatically. Once the complainant establishes the basic ingredients of defamation, the burden shifts

upon the accused to bring his case within the scope of any of the statutory exceptions. Mere assertion or pleading of an exception is not sufficient, the accused must place material on record to demonstrate that the conditions of the exception are satisfied. In the present case, the accused has not led any independent evidence to establish the truth of the imputations contained in the publications. No documentary material, official record, or verified data has been produced to substantiate the serious allegations made against the complainant company.

- 69 The defence has relied primarily upon cross-examination of prosecution witnesses and on the submission that similar allegations existed in public discourse. Such reliance is insufficient to discharge the burden under Exception 1. The existence of controversy or public debate does not amount to proof of truth within the meaning of the exception. So far as Exception 9 is concerned, the essential requirement is that the imputation must be made in good faith, which necessarily implies due care and attention. Good faith is not a matter of mere belief or assertion, it requires demonstrable prudence, verification, and restraint prior to publication, particularly where the imputations are grave and capable of causing serious reputational harm. The record does not disclose any material to indicate that the accused undertook verification of facts, sought clarification from the complainant, or exercised caution commensurate with the seriousness of the allegations. The language of the publications is categorical and accusatory, rather than tentative or exploratory. Such manner of publication militates against the claim of good faith. Further, the medium of publication—namely social media and online platforms has a wide and instantaneous reach. Where imputations are disseminated through such media, a higher degree of responsibility and circumspection is expected. The absence of

material showing due care and attention assumes greater significance in this context. At this stage, the Court is not required to determine whether the accused acted with malice in the popular sense. The enquiry is confined to whether the accused has succeeded in bringing the case within the statutory exceptions. On a careful consideration of the record, this Court finds that the accused has failed to do so.

- 70 Further the defence has contended that the prosecution witnesses are not independent, as all of them are employees of the complainant company, and that their evidence is therefore interested and unreliable. It is further contended that no independent witness has been examined and that the prosecution case suffers from lack of corroboration. It is well recognised that the credibility of a witness does not depend solely upon his relationship with a party, but upon the intrinsic worth of his testimony. Employment with a complainant company, by itself, does not render a witness untrustworthy. What is required is a careful scrutiny of such evidence to determine whether it is consistent, probable, and free from material contradictions. In the present case, the prosecution witnesses have deposed primarily with regard to their access to the impugned publications, the nature of the imputations contained therein, and the impact of such publications on the complainant company. Their evidence is broadly consistent on material particulars and does not suffer from contradictions that go to the root of the prosecution case. The defence has emphasised that watching social media was not part of the official duties of some of the witnesses. However, accessing publicly available digital content does not require official authorisation, nor does it detract from the relevance of the testimony regarding the fact of publication and its perceived impact. The absence of independent witnesses, in the facts of the present case, is not fatal. The offence alleged is one of

defamation through electronic publication. Such an offence does not ordinarily occur in the presence of eyewitnesses in the traditional sense. The core facts relate to publication, content, and effect, which are capable of being proved through electronic records and the testimony of persons who accessed such records. It is also relevant that the existence of the publications themselves is not seriously disputed. The challenge of the defence is directed more towards the legal consequences of the publications rather than their existence or authorship. In such circumstances, the role of oral evidence is to contextualise and explain the documentary material already on record. While the Court remains conscious that the prosecution witnesses may have an interest in the outcome of the proceedings, such interest alone is not sufficient to discard their testimony in the absence of material showing falsehood, exaggeration, or inherent improbability. No such material has been brought on record.

- 71 On an overall consideration of the oral and documentary evidence adduced on record, this Court finds that the complainant has succeeded in establishing the essential foundational facts necessary for constituting the offence of defamation. The electronic publications relied upon by the complainant, namely the tweets and articles placed on record, have been duly proved and stand attributed to the accused. The content of the said publications contains imputations concerning the complainant company, which have been communicated to third persons through publicly accessible digital platforms. The fact of publication, as well as access to such publications, has been established through the consistent testimony of the prosecution witnesses and the electronic record. The defamatory character of the publications becomes evident upon a plain reading of the contents of the tweets themselves. It demonstrates that the accused has attributed to the complainant company and its

group serious allegations of illegality, corruption, manipulation of laws, abuse of governmental machinery, financial impropriety, and unethical conduct. The imputations are not expressed tentatively or as matters requiring verification, but are stated categorically as assertions of fact. Such statements, when published on a platform accessible to the public at large, are clearly capable of lowering the reputation of the complainant company in the estimation of investors, regulators, business partners, and right-thinking members of society. Furthermore, these publications do not confine themselves to criticism of governmental policy or expression of opinion. They directly impute discreditable conduct to the complainant company and portray its business growth as the product of corruption, cronyism, and illegality. The nature and language of the imputations leave little scope for treating them as fair comment or permissible opinion. On the contrary, they squarely fall within the mischief contemplated under Section 499 of the Indian Penal Code, being imputations made concerning the complainant company with knowledge or reason to believe that they would harm its reputation.

72. The nature of the imputations contained in the publications is such that they directly relate to the integrity, ethical conduct, and business practices of the complainant company. The imputations allege, either expressly or by necessary implication, improper conduct, misuse of influence, and illegitimate advantage. Such imputations, when viewed from the standpoint of an ordinary and reasonable reader, are capable of lowering the reputation of the complainant company in the estimation of the public, investors, and other stakeholders. Hon'ble Supreme Court in ***Subramanian Swamy V Union of India (2016) 7 Supreme court cases 221*** has held that ***499 and 500 IPC are also not discriminatory, arbitrary, excessive or vague and not violative of right to***

equality under Art 14 of the Constitution being reasonable and a proportionate restriction While in a democracy an individual has a right to criticise and dissent, but his right under Art 19(1)(a) is not absolute and he cannot defame another person as that would offend victim's fundamental right to reputation which is a facet of Art. 21 of the Constitution One fundamental right cannot be given a higher status in comparison to the other and therefore the argument of the accused that they are journalist and have done that as a journalist after due research in good faith does not in itself removes the right of the complainant under article 21 All Fundamental Rights and subject to reasonable restrictions and so the right of the accused also has its own limitation and that cannot be enjoyed at the cost of others freedom

- 73 The evidence on record sufficiently demonstrates that the publications were not confined to abstract policy criticism, but attributed discreditable conduct to the complainant company itself Further, the mental element required for the offence stands established from the circumstances attending the publication The repeated nature of the publications, their categorical tone, and their dissemination through platforms having wide reach indicate that the accused had knowledge, or at least reason to believe, that such imputations would cause harm to the reputation of the complainant company The accused has not succeeded in bringing the case within the scope of any of the statutory exceptions, nor has any material been placed on record to justify the imputations on grounds of truth, good faith, or public interest In these circumstances, the ingredients of the offence of defamation, as defined under Section 499 of the Indian Penal Code and punishable under Section 500 thereof, stand duly proved Therefore Issue 1 is answered in Affirmative and issue 2 as per final order

- 74 The accused Mr Ravi Nair is held to be guilty of the offence under Section 499 punishable under section 500 of the IPC

Sentence Hearing

- 75 At this stage, it is considered necessary to address the question as to whether a separate hearing on the question of sentence is required. The present case arises out of an offence punishable under Section 500 of the Indian Penal Code, which is triable as a summons case. The procedure governing summons cases does not contemplate a separate stage for hearing the parties on sentence, as is provided under the Code of Criminal Procedure in respect of warrant triable cases and cases triable by the Court of Session. In summons cases, upon recording a finding of guilt, the Court is empowered to proceed to pass the appropriate order in accordance with law.
- 76 In the present case, the nature of the offence, the manner of its commission, and the circumstances emerging from the record have already been duly considered while appreciating the evidence and recording the finding of guilt. The accused has consistently projected himself as a person engaged in journalism and public commentary for a considerable period of time. Being so, the accused cannot be heard to plead ignorance of the impact, reach, and consequences of statements published through digital platforms. A person engaged in reporting or commentary is expected to be conscious of the responsibility accompanying such a role, particularly while making categorical imputations affecting the reputation of others.
- 77 Having regard to the fact that the offence has been duly proved, the relevant circumstances are already borne out from the evidence on record, and no statutory requirement exists for a separate hearing on sentence in a summons

triable case, While the statute provides a maximum ceiling of two years, the gravity of the conduct necessitates a sentence that transcends mere nominal punishment to serve as a meaningful deterrent. A balanced approach dictates that simple imprisonment, coupled with a financial penalty, is sufficient to reflect the social opprobrium of the act without being excessively punitive.

78 Also the question of the benefit of probation is intended for those whose conduct stems from ignorance, youth, or momentary lapse, rather than calculated intent. In the present case, the accused is a mature individual fully cognizant of the legal implications of his actions, further underscored by his professional standing which demands a higher standard of responsibility. Granting leniency through probation would undermine the deterrent effect of the law and send a message of impunity to others in similar positions of trust. Therefore, keeping in mind the social implications of a middle-ground sentence ensures that the offender realizes the consequences of their actions while signaling to the public that such violations will be met with firm judicial resolve, this Court is of the considered view that it is appropriate to proceed to pass the following order:

- Final Order -

- 1 The accused Mr Ravi Nair is hereby held guilty under section 499 of the Indian Penal code punishable under section 500 of the code
- 2 The accused is convicted and sentenced to simple imprisonment for a term of 01 (one) year and shall pay a fine of Rs 5000/- under section 255(2) of the Criminal Procedure Code

3. The accused shall be provided with a copy of the said judgment immediately, free of charge.

Order pronounced in open court on the 10th day of February 2026.

Date: 10/02/2026

Place: Mansa


(Ms. Damini Dixit)

Judicial Magis. First Class, Mansa

UID GJ01698

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in his comment

Dt 10/02/2026

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Adv for Accused

10/02/2026

True copy

10/2/26 
Registrar
Principal Civil Court
Mansa

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Assist

