

Ct. Cases 44549/2019
Prof (DR.) G.S. Bajpai Vs. Jeet Singh Maan
PS: Dwarka North

25.10.2021

Present: Sh. Sanjay Vashishtha, counsel the complainant.

1. Arguments on the point of summoning of the proposed accused persons are heard. The case file is perused.
2. The brief and relevant facts as alleged by the complainant are that the proposed accused Jeet Singh Mann is a professor of law at the National Law University, Dwarka, Delhi and in order to tarnish complainant's public image built through hard work and toil and to target the complainant's family, has been actively posting defamatory posts which are harmful to his reputation on social media namely Facebook through his registered Facebook account in the name of Jeet Singh Mann on facebook page titled as Transparency and Accountability in Governance without any documented or cogent evidence of probative value.
3. It is further stated that the proposed accused vide facebook post dated 11.05.2018, in a post titled "Corruption in Legal Education, based on undisputed facts & law – in the public domain, unequivocally, targeting him and his daughter namely Ms. Mehak Bajpai who is currently working as Research Associate in the same university inter alia stated that:

The complainant had modified the university norms to award silver medal to my daughter Ms. Mehak Bajpai. After rejection of admission of my daughter to PhD in 2018, the complainant had appointed my daughter as a Research Associate at NLUD through back door. The complainant had fixed the results of my daughter PhD admission and labeled his actions as “manipulation of public actions”. The proposed accused had also claimed that appointment of the National Law University is illegal as much as he is according to his post, unqualified to hold any post. The screen-shot of the facebook post dated 11.05.2018 is annexed with the complaint.

Ms. Mehak Bajpai (daughter of complainant) who is currently working as Research Associate in the same university has done her LL.M from the same university and she is currently enrolled as Ph.D scholar. Initially she attempted an entrance test for Ph.D admission in the year 2018 but could not clear it. Subsequently she cleared the entrance test in the year 2019 for admission in Ph.D. During all this period, complainant submitted his step by step recusal from LL.M/Ph.D admission process. Prof. J.S Mann, is currently serving as Professor of Law at NLU Delhi. He has been instrumental in publishing derogatory and defamatory post through his registered facebook account namely transparency and accountability in governance pertaining to admission process of complainant’s daughter including several such posts

regarding complainant's functioning as registrar in the university.

4. Thereafter, the complainant examined himself as CW-1 and his daughter Ms. Mehak Bajpai as CW-2 and no one else. CW-1 and CW-2 supported the contentions made in the complaint.

5. It is a settled legal position that at the stage of issuing process, the magistrate is mainly concerned with the allegations made in the evidence led in support of the same and the Magistrate is only to be prima facie satisfied whether there are sufficient grounds for proceedings against the proposed accused.

6. The main allegation that can be culled out from the complaint, the depositions of witnesses and arguments of Ld. Counsel for the complainant is that of Defamation. In order to attract the provision of Section 499 of the Indian Penal Code, three essentials must be fulfilled:-

(i) Making or publishing any imputation concerning any person.

(ii) Such imputation must have been made-

(a) by words, either spoken or intended to be read; or

(b) by signs; or

(c) by visible representations.

(iii) Such imputation must have been made with the intention of harming, or with knowledge that or having reason to believe that it will harm the reputation of the person concerning whom it is made. (*Verghese MC v.*

Ponnan TJ; AIR 1970 SC 1876).

7. In the instant complaint, the complainant is a professor of criminal justice and criminology and is presently serving as the Registrar of the National Law University, Delhi at Dwarka. Being the registrar of a prime institution of law, the complainant unarguably enjoys a high reputation in the society. Once the reputation is established, the nature of imputation must be examined. As per the complaint, the imputations against the complainant are made in writing. As per the law of defamation where the words containing the imputation are in writing, it is necessary that the maker of imputation shall intend that the words shall be read, that is, read by some person other than the person defamed, or in other words, that they shall be made public for the essence of the offence which is the intention to cause harm to the reputation, and that necessarily requires publicity to be given to the imputation. In the instant matter, the facebook posts published in a group created by the proposed accused were posted by him so that the same may be read by persons other than the person defamed.

8. After having seen and established the reputation of the complainant and the nature of imputations made on a social networking platform, the next ingredient is to see whether the identity of person against whom such imputations have been made, could be established. It was argued by Ld. Counsel for the complainant that the

facebook page which contains the imputations has most members from NLU, Delhi, the maker of imputation and host of the group/page is the professor of NLU, Delhi and most members of the group i.e. students and faculty members are from NLU, Delhi. If any person from NLU, Delhi reads the content published by the alleged person, it would be a no brainer for anyone to associate the complainant and daughter with the persons against whom such imputations have been made for the reason that the complainant is the registrar and his daughter was enrolled in the Ph.D course after not being able to make it in her first attempt. Since, the matter is at the stage of summoning, the court is not expected to conduct an in-depth inquiry in to the nature of allegations. Viewed under this lens of law, this court prima facie finds merit in the submissions of Ld. counsel for the complainant and believes that the imputations made by the alleged person can be associated only to the complainant.

9. The next ingredient is to see whether the imputations made against the complainant are sufficient to harm his reputation. In this context, it was deposed by CW-1 that he had to face student mobilization, protests and security threats both inside and outside the campus. This was further substantiated by CW-2 who deposed that these imputations were frequently reported in prominent media like Bar and Bench and Live Law as a consequence of which even CW-2 had to face ostracization within the

academic community. The law on this aspect is clear. The intent to defame is not necessary, mere knowledge that the imputation would harm the complainant is sufficient, irrespective of whether harm is actually caused or not. In the instant matter, the nature of imputations is, in the opinion of this court, such that it would lower the esteem of complainant in the eyes of right-thinking members of the society.

10. In the light of the above evidence and in the facts and circumstances of the case, I am of the considered opinion that there is sufficient ground to proceed against proposed accused only for the offence punishable under Sections 499 of the IPC.
11. Accordingly, the accused Jeet Singh Mann be summoned on filing of PF by the complainant for facing trial of the above said offence. PF be filed within 15 days from today.
12. Put up on **12.01.2022** for awaiting appearance of the accused.

(Pranat Kumar Joshi)
MM-06/SWD/Dwarka Court
New Delhi/25.10.2021