

IN THE COURT OF XLII ADDL. CHIEF METROPOLITAN  
MAGISTRATE, BENGALURU.

Dated this the 13<sup>th</sup> day of June, 2023.

:Present:

Smt. PREETH. J., B.A.L., LLB.,  
XLII Addl.CMM Judge,

(Spl. Court for trial of cases filed against sitting as  
well as former MPs/MLAs,  
triable by Magistrate in the State of Karnataka)

**PCR.No.3686/2023.**

(By Sri.R.S.A., Advocate)

Vs.

Accused: Sri. Siddaramaiah,

**ORDER ON TAKING COGNIZANCE OF THE  
OFFENSE ALLEGED**

01. This Private Complaint is filed by the complainants under section 200 of Code of Criminal Procedure ('Cr.P.C.' for short) against the accused praying for an order to take cognizance of the offence under section 499 of IPC, which is punishable under section 500 of IPC and to issue process to the accused.

02. In the complaint, it is stated that they are the persons belonging to the Sub-sect of Hinduism, Lingayath. It is stated that the complainant No.2 is a Lingayath by birth and the complainant No.1 is a Lingayath since - 2016. They are also the activist working towards the preservation and development of Lingayath Culture in the State of Karnataka. The accused was the Ex-Chief Minister (then) has made a derogatory and defamatory statement against the Lingayath Community which has a credible history and heritage before the media during 2023 General Assembly Campaigning in Varuna Constituency.

03. It is alleged that on 22-04-2023, when the accused was campaigning, one of the News Reporter questioned as to what is his opinion on BJP's strategy of selecting a Lingayath Candidate as Chief Minister. It is alleged that the accused replied by making a malicious statement that already CMs who are Lingayaths have spoiled the State due to their corrupt nature. It is alleged that the said statement was made before the media and the footage was telecasted on 22-04-2023 in all the leading media channels of Karnataka. It is alleged that the accused has made a statement that the Lingayath people who had been CMs of the State have spoiled the State by indulging in corruption. It is further alleged that said statement made by the accused who holds a responsible post of Opposition Party Leader in the State amounts to an offence of Criminal Defamation.

04. It is alleged that the accused made the statement that the Lingayath people who were the CMs of Karnataka in the past have indulged in corruption and this is telecast and the public at large have viewed the same. It is alleged that

the said statement is made in a manner that the Lingayath people due to their low moral value and greediness have indulged in the corruption whenever they become CMs of the State. It is alleged that due to the statement made by the accused, the reputation and moral value of the entire Lingayath Community has been degraded before the general public. It is alleged that the accused was well aware that whenever oral statement is made by him before the media the same will be telecasted and published all over the country. In spite of the same, he has given such an statement. There is no iota of truth in the statement made by the accused, as no court has convicted or held any Lingayath CMs of Karnataka guilty of the offences punishable under the Prevention of Corruption Act or for any other offence. The statement made by the accused was aimed at damaging the reputation of the community before the general public and to benefit his political career. Based on these allegations, the complainants have filed this complaint and prayed to take cognizance of the offence under section 499 of IPC, which is punishable under section 500 of IPC against the accused.

05. Along with this Private Complaint, the complainants have produced documents i.e., the Caste Certificate of the complainant No.2, pen drive containing Video Footage showing the accused making defamatory statements, and the Newspaper cutting that covered statements made by the accused made in the capacity to bring disgrace towards the entire community along with section 65-B Certificate of Evidence Act.

06. After having heard the arguments of the Lrd. Counsel for the complainants and also on perusal of the averments made in the complaint and the documents filed by them, the following point arise for my consideration:

- 1) Whether grounds are made out to take cognizance of the alleged offences?
- 2) what order?

07. My answer to the above points is as hereunder:

Point No:1:- In the Negative

Point No.2:- As per final order for the following:

## **REASONS**

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08. **Point No.1:-** To take cognizance of any offence/s alleged by the complainants against the accused, firstly, the alleged offence must be made out from the complaint and the documents produced by the complainants. In the case on hand, the complainants have alleged that the accused who was the Ex-Chief Minister (then) has given a statement in front of the media, when he was campaigning for the General Assembly Election - 2023 in Varuna Constituency. It is alleged that when, one of the News Reporter questioned him about his opinion on BJP's strategy of selecting a Lingayath Candidate as Chief Minister, the accused replied by making a statement that already CMs who are Lingayath have spoiled the State due to their corrupt nature. This statement made before the media was telecasted on 22-04-2023 in all the leading media channels in Karnataka. It is alleged by the complainants that the statement has tarnished the entire Lingayath Community and since, they also belong to the said community, their reputation is also

damaged, as such, they have come up with the present complaint.

09. Section 499 of IPC, penalizes harming the reputation of any person. Explanation-2 to section 499 of IPC, states that it may amount to defamation to make an imputation concerning a company or an association or collection of persons as such. The expression “as such” occurring in Explanation-2 is highly significant. It was considered in the decision reported in **AIR 1938 Sind 88 (Ahmedali Adamali Vs. Emperor)**. It was held therein that *‘if a collection or company of persons as such is defamed one of their members may make a complaint on behalf of the collection or company of persons as a whole, but the defamation must be shown to be of all the persons in the association or collection as such’*.

10. Along with the complaint a San-Disk Pen-Drive containing the Video Footage of the campaign, wherein, the alleged defamatory statement is made is also produced. During the course of arguments, the same is also played in

the Open Court with the permission of this court. Today, once again, the said video is played by me and the contents of the statement made by the accused is viewed and heard. A News Reporter at the spot has questioned the accused who is the present Hon'ble Chief Minister – Sri. Siddaramaiah as follows:

“ಸರ್ ಈಗ ಇನ್ನೊಂದು ಬಿಜೆಪಿ ಲಿಂಗಾಯಿತ ಸಿಎಂ ಮಾಡಿ ಎಂಬ ಅಸ್ತವನ್ನು ಪ್ರಯೋಗ ಮಾಡುತ್ತಿದ್ದೆ ಇದಕ್ಕೆ ತಮ್ಮ ಉತ್ತರವೇನು ಸರ್ ಲಿಂಗಾಯಿತ ಸಿಎಂ ಎನ್ನೋ ಈ ಅಸ್ತಕ್ಕೆ?”

The answer given by the Hon'ble Chief Minister Sri.Siddaramaiah to the above question, is as follows:

“ಈಗಾಗಲೇ ಲಿಂಗಾಯಿತರು ಚಿಫ್ ಮಿನಿಸ್ಟರ್ ಇದರಲ್ಲ ಅವರೆ ಎಲ್ಲಾ ಭ್ರಷ್ಟಚಾರ ಮಾಡಿ ಹಾಳು ಮಾಡಿರೋದು ರಾಜ್ಯನ.”

11. From the above referred statement, it very clearly goes to show that the statement is not made in respect of the entire Lingayath Community, but only in respect of the Chief Minister who was holding the position of Chief Minister,



as on the date of the statement. The accused has not targeted the members of the Lingayath Community as such nor any imputation has been made against the Lingayath Community as such. The complainants have not suffered any legal injury by the statement made by the accused. Their reputation has not in any way been lowered. Since, they are not the person aggrieved, taking cognizance of the offence and proceeding with the case will amount to an abuse of legal process. Moreover, the Statement “ಈಗಾಗಲೇ ಲಿಂಗಾಯಿತರು ಚಿಫ್ ಮಿನಿಸ್ಟರ್ ಇದರಲ್ಲ ಅವರೆ ಎಲ್ಲಾ ಭ್ರಷ್ಟಚಾರ ಮಾಡಿ ಹಾಳು ಮಾಡಿರೋದು ರಾಜ್ಯನ” is not per-se defamatory. It is an answer given in the form of a statement by the Opposition Party, to the question posed by the News Reporter, which often happens in politics. Since, the statement given by the accused is not defaming the Lingayath Community as a whole as alleged by the complainants herein, they even do not have locus - standi to file this complaint. As such, the complaint is not maintainable. Accordingly, Point No.1 is answered in the Negative.

12. **Point No.2**:- Based on the discussions made above, I proceed to pass the following:

**ORDER**

The complaint filed by the Complainants under section 200 of Cr.P.C., for the alleged offence under section 499 of IPC, which is punishable under section 500 of IPC is dismissed.

(Typed by me, directly on the computer,corrected and then pronounced by me, in open court on this the 13<sup>th</sup> day of June - 2023).

(PREETH. J)  
XLII Addl. C.M.M.,  
Spl. Court for trial of cases filed against sitting as well  
as former MPs/MLAs, triable by the Magistrate  
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