

IN THE COURT OF SH. VISHAL SINGH, ADDITIONAL  
SESSIONS JUDGE-05: SOUTH-EAST DISTRICT,  
SAKET COURTS, NEW DELHI



CNR NO. DLSE01-007702-2024  
CRL. APPEAL No. 247/2024  
U/S. 415(3) BNSS, 2023

IN THE MATTER OF:

**MEDHA PATKAR**

D/O. LATE SH. VASANT KHANOLKAR  
R/O. NARMADA ASHISH, NAVALPURA,  
OFF KASARWAD ROAD,  
NEAR POWER GRID, BADWANI,  
MADHYA PRADESH – 451551.

.....APPELLANT

**VERSUS**

**V. K. SAXENA**

PRESIDENT, NATIONAL COUNCIL OF CIVIL LIBERTIES  
401, VRAJ AVENUE,  
C-2, SWASTIK SOCITY, NAVRANGPURA,  
AHMEDABAD, GUJARAT.

.....RESPONDENT

OTHER DETAILS :

DATE OF INSTITUTION	: 27.07.2024
DATE OF RESERVING ORDER	: 04.03.2025
DATE OF ORDER	: 02.04.2025

APPEAL U/S. 415(3), BHARTIYA NAGARIK SURAKSHA  
SANHITA, 2023, CHALLENGING THE IMPUGNED  
JUDGMENT DATED 24.05.2024 & ORDER ON SENTENCE  
DATED 01.07.2024, PASSED BY LD. JMFC-06, SOUTH-  
EAST DISTRICT, SAKET COURTS, NEW DELHI, IN CC NO.  
613940/2016, TITLED AS V. K. SAXENA VS. MEDHA  
PATKAR.

## JUDGMENT

1. Appellant Medha Patkar is aggrieved by the impugned judgment dated 24/05/2024 of Ld. JMFC-06, South East District, Saket Courts, vide which she was convicted for offence U/s. 500 IPC and by order on sentence dated 01/07/2024 vide which she was sentenced to undergo Simple Imprisonment of 05 months alongwith fine of Rs.10 lakh, to be paid to the complainant as compensation. In default of payment of fine, the appellant was ordered to undergo further sentence of Simple Imprisonment of 03 months.

2.(a) The case pertains to year 2000 when complainant Sh. V. K. Saxena was President of National Council of Civil Liberties (in short NCCL), a registered society that was actively engaged in issues pertaining to public interest as well as in exposing the malpractices of public sector corporations and private sector companies. Complainant's organization actively supported the Sardar Sarovar Project of Gujarat Government and wanted to ensure that the said project got completed in time, to help address the water issues in water parched areas of Gujarat.

2.(b) On the other hand, Narmada Bachao Andolan, headed by Medha Patkar (appellant herein) was leading a mass movement in opposition to Sardar Sarovar Project.

2.(c) On 10/11/2000, NCCL got published an advertisement in The Indian Express Newspaper (Ex. CW1/D1), which was titled as 'True face of Ms. Medha Patkar and her Narmada Bachao Andolan', in which it attempted to expose the activities of Medha

Patkar and Narmada Bacho Andolan that were against the national interest (as deposed by CW1 Sh. Vinay Kumar Saxena during trial).

2.(d) On 25/11/2000, complainant received an e-mail (Ex. CW1/A) from Dilip Gohil, a correspondent of rediff.com (CW2) that referred to a detailed Press Note dated 24/11/2000 and was published as a news article in rediff.com. The Press Note was titled as 'True Facts of a Patriot – Response to an Advertisement', the relevant parts of which are as follows:

*The Indian Express, dated November 10 & 11, 2000 carried an advertisement titled “True face of Medha Patkar and her Narmada Bachao Andolan” by an Ahmedabad based National Council for Civil Liberties (NCCL) which is defamatory for both myself and my colleague Chittaroopa as well as people’s movement, Narmada Bachao Andolan (NBA) in more than one ways. We have through our advocate, Prashant Bhushan, served legal notice to both Indian Express and NCCL, which has asked both of them to “retract these allegations and imputations and publish an apology..... with the same prominence and with same number of insertions within a week of receipt of this notice”. The advertisement has alleged that “NBA is passing on confidential documents relating to projects of national importance to the foreign people....” and that the NBA is funded through hawala transactions. Hawala is well known to the politicians, both in power and outside than to any other people’s movements.*

*Here are some allegations and the truth -*

*What the advertisement says -*

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*The truth*

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*V. K. Saxena, one who is pained by the ‘Hawala transactions’, himself came Malegaon, praised NBA and gave a cheque for Rs.40,000/-. Lok Samiti naively and promptly sent the receipt and letter, which shows honesty and good record keeping than anything else. But the cheque couldn’t be encashed and got bounced. On enquiry, the Bank reported “The account doesn’t exist”. The cheque, please note, came from Lalbhai Group. What is the connection between Lalbhai Group and V. K. Saxena? Who among them is more ‘Patriot’?*

2.(e) The abovesaid Press Note dated 24/11/2000 was published as Gujarati language news article by rediff.com at <http://www.rediff.com/gujarati/2000/nov/24nba.htm>, (Ex. CW1/B, also Ex. CW1/D2) on 25/11/2000. In the e-mail (Ex. CW1/A), Dilip Gohil (CW2) asked the complainant if he himself gave Rs.40,000/- to Lok Samiti of NBA?

3. The case of complainant, as deposed by CW1, was that rediff.com was widely read news portal. In the Press Note dated 24/11/2000, accused Medha Patkar (appellant herein) claimed

that the complainant visited Malegaon, praised Narmada Bachao Andolan and paid Rs.40,000/- through cheque to Lok Samiti for Narmada Bachao Andolan. Complainant asserted that he never visited Malegaon and never praised NBA which, in his view, was working against the projects of national importance; and he did not give any cheque to Lok Samiti. The complainant asserted that Medha Patkar issued the Press Note (Ex. CW1/B) with ulterior motive to defame him in the eyes of Gujarati people. CW1 stated that in the Press Note, Medha Patkar called him coward and an agent of Gujarat government. The language of Press Note was objectionable and defamatory. CW1 stated that he got issued legal notice dated 09/12/2000 (Ex. CW1/C) through his advocate to the accused but she did not reply to it. The proof of service of legal notice was Ex. CW1/D. CW1 deposed that after the aforementioned news report a number of people in Gujarat and elsewhere contacted him and inquired about his activities. He faced tough time in explaining to them that he never visited Malegaon, he was not supporter of Narmada Bachao Andolan and he never paid any donation to said organization.

4. As per Trial Court record, to prove his allegations, complainant examined himself as CW1, Mr. Dilip Gohil as CW2, Mr. Nilesh Sachdeva as CW3 and Mr. Rajesh Kumar, Judicial Assistant, as CW4, who produced record of CrI. MC No. 6026/2018, titled as Medha Patkar Vs. The State & Anr.

5. Statement of the appellant/accused was recorded U/s. 313 CrPC. She denied all incriminating evidence and asserted that she had been implicated in a false and fabricated case. She asserted that she was not aware about social activities of the

complainant. She denied to have issued any Press Note dated 24/11/2000, neither was she connected with publication of rediff.com in any manner. She denied to have sent any press note or e-mail to CW2. She asserted that she had no connection with Narmada.org website and she had no knowledge about Press Note Ex. CW3/A issued by NBA. She asserted that Narmada.org was not connected with her or with Narmada Bachao Andolan. She did not avail of the opportunity to lead evidence in defence.

6. On completion of trial, Ld. Trial Court convicted the appellant/accused through judgment dated 24/05/2024 and sentenced her vide order on sentence dated 01/07/2024, to challenge which appellant has preferred the present appeal.

7. I have heard rival contentions from both sides and perused the record.

8.(a) Ld. Counsel for appellant argued that CW2 Dilip Gohil orally deposed that he had received the Press Note from Medha Patkar (appellant herein) through e-mail for publication which he forwarded to complainant through forwarding e-mail Ex. CW1/A. Ld. Counsel for appellant argued that CW2 admitted that e-mail of the person who sent it to him was not mentioned in the document Ex. CW1/A. CW2 replied that he could not tell the e-mail ID of accused Medha Patkar from which he received the e-mail. CW2 admitted that the e-mail Ex. CW1/A forwarded by him to the complainant does not contain the word 'forward' or 'FW' in the subject line, neither did it contain the header of the original e-mail. CW2 admitted that e-mail Ex. CW1/A did not show that it was sent to him by someone.

8.(b) Indeed, although, CW2 stated that he received the Press Note for publication through e-mail from appellant Medha Patkar, no documentary proof was furnished from complainant side in this regard. There is no indication in e-mail Ex. CW1/A, sent by CW2 to CW1, that its contents were forwarded from a previous e-mail. However, the said e-mail referred to a news article bearing URL – <http://www.rediff.com/gujarati/2000/nov./24nba.htm>. It remained unproved that CW2 Dilip Gohil had received e-mail from appellant Medha Patkar, which he forwarded to CW1.

9. The lingering question is – Was there no Press Note dated 24/11/2000 of NBA and whether CW2 himself concocted the story of a Press Note and published a fake news in the name of NBA?

The next question is – If the Press Note was actually released by NBA, was it got released by Medha Patkar?

10.(a) CW3 Nilesh Sachdev relied upon published Press Note Ex. CW1/D2 (Gujarati language) and its English translation (Ex. CW2/D1) deposed that since the news article Ex. CW1/D2 published in rediff.com mentioned that cheque was given by complainant V. K. Saxena himself, it drew his attention and he read the whole news article. After reading the article, the high esteem he held for the complainant was shattered. He thought that on one hand complainant claimed that NBA was wrongly working against Sardar Sarovar Project, on the other hand he himself gave funds to NBA.

10.(b) CW3 Nilesh Sachdev stated that in order to depose before the Court he tried to verify the truth of allegation and opened Narmada.org where he found the Press Note dated 24/11/2000 issued by NBA, the copy of which was Ex. CW3/A. He deposed that he tried to verify the authenticity of Narmada.org and found that website has been created by NAPM (National Alliance for People's Movement) of which accused Medha Patkar was the convener. Thus, he was convinced that Narmada.org was website of NAPM.

10.(c) In cross-examination, CW3 admitted that the URLs at the bottom of all the pages of document Ex. CW3/A were different. CW3 explained that the URLs were different as they referred to different pages of Narmada.org.

11.(a) Ld. Counsel for appellant argued that the article Ex. CW1/B (also Ex. CW2/D1) itself made no mention that the press release was issued by Medha Patkar. Instead, it states "press release of the NBA", rather than, press release by Medha Patkar. Thus, no connection was established between the press release and the appellant. Secondly, the press release in contention could have been typed by anyone; merely adding Medha Patkar's name at the end of the text could not be considered as proof that it was issued or caused to be published by her.

11.(b) In this regard, it is observed that the document Ex. CW3/A bearing URL [www.narmada.org/nba-press-releases/press.releases.2000.html#march2000](http://www.narmada.org/nba-press-releases/press.releases.2000.html#march2000) contains a complete catalog and hyper links to press releases issued by Narmada Bachao Andolan

during several years including in the year 2000. In the section of press releases for November 2000, the press release for November 24, 2000, is titled as “True Face of A Patriot – Response to an Advertisement”.

11.(c) The hyper link of aforementioned press release dated November 24, 2000, leads to URL – [www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html](http://www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html) whose contents are completely same as the contents of e-mail Ex. CW1/A sent by CW2 to CW1. The said Press Note is written in first person by Medha Patkar and signed-off by her at its bottom. In the opening paragraph of said Press Note, Medha Patkar referred to advertisement dated November 10 & 11, 2000, in The Indian Express newspaper in following manner – “*which is defamatory for both myself and my colleague Chittaroopa as well as a people’s movement, Narmada Bachao Andolan (NBA) in more than one way*”. There is no doubt that the said NBA Press Note contained in URL – [www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html](http://www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html) was authored and issued personally by Medha Patkar.

11.(d) The URL–[www.narmada.org/about-us.html](http://www.narmada.org/about-us.html) (Ex. CW3/D2) is titled as ‘Friends of River Narmada’. Amongst other content, it contains the contact information of NBA, as per which the office of NBA is at Badwani, Madhya Pradesh, at the address – Narmada Ashish, Off Kasravadi Road, Navalpura, Badwani, Madhya Pradesh – 451551, which is the same as residence of appellant Medha Patkar as per her affidavit annexed with the appeal.

11.(e) It is observed that on one hand web portal [www.narmada.org](http://www.narmada.org) claimed that it was not run by Narmada Bachao Andolan (NBA), on the other hand, it actively advanced the propaganda of NBA through press releases issued by NBA and ‘organized visits by Medha Patkar’ as a tool for public outreach and education. The active involvement of Medha Patkar in authoring of the Press Note dated 24/11/2000 and its publication in document Ex. CW3/A bearing URL – [www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html](http://www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html) is writ large on face of record. Conversely, the involvement of Medha Patkar is as hidden as an elephant behind an office table. It is only that Medha Patkar used smoke screen of virtual world of Internet to disseminate the Press Note in contention. Ld. Trial Court erroneously observed that it was not proved beyond reasonable doubt that Press Note was issued by accused Medha Patkar (appellant herein).

12.(a) The obvious intention behind publication of Press Note dated 24/11/2000 through URL [www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html](http://www.narmada.org/nba-pressreleases/november-2000/response.to.ad.html) was to widely disseminate it to largest audience possible. It got published by rediff.com as a Gujarati language article vide <http://www.rediff.com/gujarati/2000/nov/24nba.htm> (Ex. CW1/B), and it was also referred to in the e-mail Ex. CW1/A sent by CW2 Dilip Gohil to CW1/complainant V. K. Saxena.

12.(b) It is observed that rediff.com only published a Press Note that was already published by Medha Patkar through Narmada.org, with the only difference that rediff.com translated

the Press Note of English language into news article of Gujarati language. Whether Press Note in contention was personally sent by Medha Patkar to rediff.com or it was sent by someone else on her behalf, was completely inconsequential.

13. There is no gainsaying that the contents of Press Note Ex. CW3/A (also Ex. CW1/B & Ex. CW1/D2) were factually false and defamatory to the complainant. The complainant never visited Malegaon, neither gave any cheque to Lok Samiti of NBA. In fact, complainant actively supported Sardar Sarovar Dam Project and actively raised voice against NBA that was spear-headed by Medha Patkar. By creating the false impression that complainant V. K. Saxena gave cheque to NBA and by calling him coward and not a patriot, the Press Note sought to discredit the complainant and to malign his reputation in the eyes of public at large. There is no force in argument that defamation could not be proved by CW3 Nilesh Sachdev, he being related to the complainant as their wife are sisters.

14.(a) It was argued by Ld. Counsel for appellant that Ld. Trial Court placed much reliance on the contents of 'List of Dates' of Crl. M. C. No. 6026 of 2018 titled as Medha Patkar Vs. State (NCT of Delhi) & Anr., whereas, petitioner Medha Patkar had withdrawn the said petition with permission of Hon'ble High Court through order dated 09/01/2019 even before issuance of notice of said petition. It was argued that Ld. Trial Court erroneously treated the contents of 'List of Dates' of said petition as admission made by Medha Patkar through pleadings filed in judicial proceedings, despite the fact that the petition itself was

withdrawn and taken off the record, and whereas, 'List of Dates' could not be treated as part of the pleadings.

14.(b) In this regard, Ld. Trial Court rightly observed that even if petition was withdrawn by petitioner Medha Patkar, the fact remains that she had filed the affidavit alongwith the petition in which she affirmed that she was well conversant with facts and circumstances of the case and that contents of the petition may be read as part and parcel of her affidavit. In the 'List of Dates' petitioner Medha Patkar had mentioned that on 24/11/2000 – “*the petitioner in a press note made averments that the respondent / complainant had come in person to Malegaon, praised NBA and gave a cheque of Rs.40,000/-, the said issue was also published in Rediff.com*”.

14.(c) Through an application dated 10/12/2018, petitioner Medha Patkar sought permission to withdraw Crl. M. C. No. 6026 of 2018, which was allowed by Hon'ble High Court on 09/01/2019 (Ex. CW4/C).

14.(d) The contention of appellant is that once allowed by Hon'ble High Court to be withdrawn, the entire petition got erased off the record and it could not be read against the appellant. Anyhow, the 'List of Dates' appended to petition could not be construed as part of the pleadings, to be treated as an admission by way of pleadings. On the other hand, Ld. Counsel for respondent argued that even if petition is withdrawn, its contents could not be treated as being erased off the record, especially when they are relevant to a fact in issue between the same parties in some other Court.

14.(e) It is observed that Crl. M. C. No. 6026 of 2018 (Ex. CW4/A) was filed alongwith accompanying affidavit of Medha Patkar through which she affirmed all the contents of the petition as correct. For her own reasons mentioned in the application, Medha Patkar sought permission to withdraw the petition, that was allowed. As per application seeking withdrawal, the petition was only a 'draft copy' that was inadvertently filed in haste by counsel instead of 'corrected draft' sent to him by Ms. Medha Patkar.

14.(f) Notably, in the application for withdrawal it was not mentioned which part of Crl. M. C. No. 6026 of 2018 was not meant to be included in the 'corrected draft'. There is no ground to assume or be represented that a part of 'List of Dates', and especially the content attached with date 24/11/2000 was included in 'draft petition' but was meant to be omitted in the 'corrected draft' of petition. There is no escape from the conclusion that even if aforementioned petition was withdrawn by Medha Patkar, its content in 'List of Dates', for date 24/11/2000 could be read against her as an admission of fact as it directly touched the fact in issue in present case. There is no substance in argument that Ld. Trial Court wrongly relied upon the contents of petition Ex. CW4/A, since it was withdrawn by Medha Patkar.

15. The evidence led by respondent during trial proved beyond reasonable doubt that Medha Patkar published the Press Note dated 24/11/2000, carrying imputations on his character with intent to harm or having reason to believe that the imputations

will harm his reputation. The appellant was rightly convicted for offence U/s. 500 IPC.

16. There is no substance in appeal so far as it impugns the judgment of conviction and it is dismissed.

**Announced in the open  
Court on 02.04.2025**

**(VISHAL SINGH)  
Additional Sessions Judge-05,  
South East, Saket Courts, New Delhi**