

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12429 of 2023**

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ARVIND GOBINDRAM KEJRIWAL
Versus
STATE OF GUJARAT

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Appearance:

MS REBECCA JHON, SR. ADVOCATE, MR. AUM M KOTWAL(7320) for the Applicant(s) No. 1

MR.P P CHANDARANA(7119) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MS DIVYANGNA JHALA, PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 12/10/2023**ORAL ORDER**

1. By way of this petition, the petitioner challenges the order passed in Complaint Case No. 29303 of 2023, whereby, the learned Court below has issued process against the petitioner vide order dated 15.04.2023 as well as the order passed by the learned Addl. Sessions Judge dated 14.09.2023 in Criminal Revision No. 278 of 2023, whereby the Revision is rejected.

2. Learned Sr. Advocate Ms. Rebeca Jhon appearing through hybrid mode and assisted by learned Advocate Mr. Kotwal would submit that following four contentions were raised before the concerned Court,

"1. It is stated that Gujarat University is 'local-authority' or 'other-authority defined under Article



12 of the Constitution of India and it is a 'State' and not the juristic person as contemplated in Sec 499 of IPC, 1860.

2. It is further stated that the complainant, Dr. Piyush M. Patel, Registrar, Gujarat University, is not an aggrieved person and does not have valid authorization to file a criminal complaint.

3. It is further stated that impugned order fails to classify the alleged defamatory statement, being libel in law, to be either per se defamatory or defamatory on account of being an innuendo.

4. It is further stated that impugned order suffers from a legal error in so far as the mandatory inquiry as contemplated has not been satisfied in terms of categorical direction of the Hon'ble Apex Court in the case of Subramaniam Swamy Vs. Union of India, 140."

2.1 Learned Sr. Advocate Ms. Jhon would further submit that the Court below has not considered any of the aforesaid four contentions.

2.2 In view of the above submissions, **NOTICE**, returnable on **3rd November, 2023**. Learned APP waives service for the Respondent-State. Direct service is permitted.

UMESH/-

(J. C. DOSHI,J)