

Christian community could not complain of a general remark against the community *KM Mathew v TU Balan*, 1985 Cr LJ 1039 (Ker), remarks about teachers on strike, a leader could not complain.

155. *KV Ramesh v HC Ramesh*, 2001 Cr LJ 3556 (Kant).
156. *Ratan Singh v Chain Singh*, 2000 Cr LJ 2736 (Raj).
157. *Sasikurnar B Menon v S Vijayan*, 1998 Cr LJ 3973 (Ker).
158. *S Khushboo v Kanniammal*, 2010 Cr LJ 2828 (SC) : AIR 2010 SC 3196 [LNIND 2010 SC 411] : 2010 (5) SCC 600 [LNIND 2010 SC 411] ; *Charmesh Sharma v State Of Rajasthan*, 2012 Cr LJ 2115 (Raj).
159. *John Thomas v Dr. K Jagdeesan*, AIR 2001 SC 2651 [LNIND 2001 SC 1323] .
160. *Swamy Anoopananda v Bagmisri*, 2000 Cr LJ 4296 (Ori).
161. *Beem Singh v S Ramayajam*, 2003 Cr LJ NOC 61 (Mad) : 2002 Mad LJ (Ori) 351.
162. *Ibid*.
163. *Beauchamp v Moore*, (1902) 26 Mad 43.
164. *Rallis India Ltd v K T Vijay Kumar*, 2010 Cr LJ 2485 (AP).
165. *Chief Education Officer, Salem v K S Palanichamy*, 2012 Cr LJ 2543 (Mad). See other view in *Rallis India Ltd v K T Vijay Kumar*, 2010 Cr LJ 2485 (AP) discussed above.
166. *Subhash K Shah v K Shankar Bhat*, 1993 Cr LJ 1296 (Kant).
167. *Subhash K Shah v K Shankar Bhat*, 1993 Cr LJ 1296 .
168. *Pyarelal Maganlal Jaiswal v State of Maharashtra*, 1996 Cr LJ 989 (Bom).
169. *MN Damani v SK Sinha*, AIR 2001 SC 2037 [LNIND 2001 SC 1149] . *Rajesh Rangarajan v Crop Care Fed. of India*, 2010 (9) Scale 23 [LNIND 2010 SC 626] -Proceedings quashed.
170. *Rajendra Kumar Sitaram Pande, v Uttam*, 1999 Cr LJ 1620 : AIR 1999 SC 1028 [LNIND 1999 SC 136] .
171. *G Janardhana Reddy v A Narayana Reddy*, 2010 Cr LJ 2660 ; *AP Ramoji Rao, Chairman Ramoji Group of Companies v State of AP*, AIR 2006 SC 3384 [LNIND 2006 SC 820] : (2006) 8 SCC 321 [LNIND 2006 SC 820] - proceedings quashed since the accused agreed to give a clarification in the TV channel as the news item was not the intended in any manner to defame or harm the reputation of the Chief Minister or his entourage of ministers and officials.
172. *Vedurumudi Rama Rao v Chennuri Venkat Rao*, 1997 Cr LJ 3851 .
173. *Darusing Durgasing v State of Gujarat*, 1999 Cr LJ 1620 : AIR 1999 SC 1028 [LNIND 1999 SC 136] .
174. *Valmiki Faleiro v Mrs. Lauriana Fernandes*, 2005 Cr LJ 2498 .
175. *Jeffrey J Diermeier v State of WB*, (2010) 6 SCC 243 [LNIND 2010 SC 512] : (2010) 3 SCC(Cr) 138.
176. *KM Mathew v KA Abraham*, 1998 Cr LJ 327 (Ker).
177. *Subhiksha Trading Services Ltd v Azim H Premji*, 2011 Cr LJ 2769 (Mad).
178. *Shiv Kumar Agarwal v State of Meghalaya*, 2013 Cr LJ 421 .
179. *Shiv Kumar Agarwal v State of Meghalaya*, 2013 Cr LJ 421 .
180. *Abhijit Pawar v Hemant Madhukar Nimbalkar*, AIR 2017 SC 299 [LNIND 2016 SC 614] : (2017)3 SCC 528 [LNIND 2016 SC 614] .
181. *Bir Chandra Das v Anil Kumar Sarkar*, 2011 Cr LJ 3422 (Cal).

THE INDIAN PENAL CODE

CHAPTER XXI OF DEFAMATION

[s 501] Printing or engraving matter known to be defamatory.

Whoever prints ¹ or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

COMMENT.—

The offence under this section is a distinct offence from the one under section 500. The person printing or engraving defamatory matter abets the offence. This section makes such abetment a distinct offence. Where the content of any news item carried in a newspaper is defamatory as defined under [section 499 IPC, 1860](#), the mere printing of such material 'knowing or having good reason to believe that such matter is defamatory' itself constitutes a distinct offence under [section 501 IPC, 1860](#).^{182.}

[s 501.1] Ingredients.—

This section requires two things:—

1. Printing or engraving any matter.
2. Knowledge or reason to believe that such matter is defamatory.

1. 'Prints'.—The publisher of a newspaper in which defamatory matter is printed is liable under section 500. If he is also the printer of the newspaper, the case would be covered by this section. But his liability under section 500 would in no way be affected.^{183.} In a case, where the Editor/owner of magazine published defamatory statements containing imputations without due care and attention and without making any attempt of verification before publication and the same was not published in good faith. The court held that the charges framed against the accused under section 500, 501 and 502 read with [section 34 IPC, 1860](#), stand proved.^{184.}

^{182.} *Mohammed Abdulla Khan v Prakash K*, [AIR 2017 SC 5608](#) .

^{183.} *Ramesh Chander*, [AIR 1966 Punj 93](#) .

^{184.} *B R K Murthy v State Of AP*, [2013 Cr LJ 1602](#) (AP). See also *Editor, Deccan Herald v M S Ramaraju*, [2005 Cr LJ 2672](#) (Kar).

THE INDIAN PENAL CODE

CHAPTER XXI OF DEFAMATION

[s 502] Sale of printed or engraved substance containing defamatory matter.

Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

COMMENT.—

This section supplements the provisions of the previous section by making the seller of defamatory matter punishable under it.

[s 502.1] Ingredients.—

This section requires two essentials:—

1. Selling or offering for sale any printed or engraved substance.
2. Knowledge that such substance contains defamatory matter.

THE INDIAN PENAL CODE

CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

[s 503] Criminal intimidation.

Whoever threatens another with any injury¹. to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

ILLUSTRATION

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

COMMENT.—

The offence of criminal intimidation requires either a person or another in whom he is specially interested to be threatened. There must be an intent to cause alarm to the former by a threat to him of injury to himself or to the latter. The intent itself might be complete, though it could not be effected. But the existence of the interest seems essential to the offence, as also and equally to the attempt to commit the offence, since otherwise the attempt would be to do something not constituting the offence.¹

[s 503.1] Ingredients.—

- (1) Threatening a person with any injury.
 - (a) to his person, reputation or property or;
 - (b) to the person or reputation of any one in whom that person is interested.
- (2) The threat must be with intent;
 - (a) to cause alarm to that person, or
 - (b) to cause that person to do any Act which he is not legally bound to do as means of avoiding execution of such threat; or
 - (c) to cause that person to omit to do any act which that person is legally entitled to do as means of avoiding execution of such threat.

Therefore, intention must be to cause alarm to the victim and whether he is alarmed or not is really of no consequence. But material has to be brought on record to show that intention was to cause alarm to that person.²

1. 'Threatens another with any injury'.—The gist of the offence is the effect which the threat is intended to have upon the mind of the person threatened, and it is clear that

before it can have any effect upon his mind it must be either made to him by the person threatening or communicated to him in some way. The threat referred to in this section must be a threat communicated or uttered with the intention of its being communicated to the person threatened for the purpose of influencing his mind.³ The threat must be one which can be put into execution by the person threatening. It is not necessary that the injury should be one to be inflicted by the offender; it is sufficient if he can cause it to be inflicted by another; and the infliction of it could be avoided by some act or omission that the person threatening desires. Punishment by God is not one which a person could cause to be inflicted or the execution of which he could avoid.⁴

A threat, in order to be indictable, must be made with intent to cause alarm to the complainant. Mere vague allegation by the accused that he is going to take revenge by false complaints cannot amount to criminal intimidation.⁵

[s 503.2] Criminal intimidation and Extortion.—

Criminal intimidation is analogous to extortion. In extortion the immediate purpose is obtaining money or money's worth; in criminal intimidation, the immediate purpose is to induce the person threatened to do, or abstain from doing, something which he was not legally bound to do or omit.

[s 503.3] Threat of injury to reputation.—

The accused took indecent photographs of a girl and threatened her father, in letters written to him with publication of the photographs unless "hush money" was paid to him. The Supreme Court held that the accused was guilty of criminal intimidation and not of attempt to commit extortion.⁶ Where the head master of a school threatened a lady-teacher that until she signed certain papers in blank he would spoil her modesty, the Supreme Court held that this offence as well as that of extortion were made out.⁷ Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section.⁸

[s 503.4] Person informed about threatened injury to another must be interested in him.—

A threat to commit suicide is not within the section unless the other person be interested in the person giving the threat.⁹

1. *Mangesh Jivaji*, (1887) 11 Bom 376, 379, 380.

2. *Amulya Kumar Behera v Nabaghana Behera*, 1995 Cr LJ 355 (Ori).

3. *Gunga Chunder sen v Gour Chunder Banikya*, (1888) 15 Cal 671 , 673. See *SS Sanyal v KVR. Nair*, 1987 Cr LJ 2074 , when the charge-sheeted employee met the chairman of the company, the latter remarked to him : "your days are numbered," it was not an intimidation in the context because the purpose must have been to tell him that his service was not going to last beyond numbered days.
4. *Doraiswamy Ayyar*, (1924) 48 Mad 774.
5. *Govind*, (1900) 2 Bom LR 55 .
6. *Romesh Chandra Arora*, (1960) 1 SCR 924 [LNIND 1959 SC 177] .
7. *Chander Kala v Ram Kishan*, AIR 1985 SC 1268 [LNIND 1985 SC 166] : 1985 Cr LJ 1490 : (1985) 4 SCC 212 [LNIND 1985 SC 166] . See also *Anuradha v State of Maharashtra*, 1991 Cr LJ 410 .
8. *Manik Taneja v State of Karnataka*, (2015) 7 SCC 423 [LNIND 2015 SC 35] .
9. *Nubi Buksh v Must. Oomra*, (1866) PR No. 109 of 1866. See also *Kolla Srinivas v State of AP*, 2005 Cr LJ 2440 (AP).

THE INDIAN PENAL CODE

CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

[s 504] Intentional insult with intent to provoke breach of the peace.

Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

COMMENT.—

This section provides a remedy for using abusive and insulting language. Abusive language which may lead to a breach of the public peace is not an offence. There must be an intentional insult. Insult may be offered by words or conduct. If it is by words, the words must amount to something more than mere vulgar abuse.¹⁰ Mere breach of good manners does not constitute an offence under this section.¹¹ If the insult is of such a nature that it may give provocation which might rouse a man to act either to break the public peace or to commit any other offence, the offence is committed.¹²

In judging whether a particular abusive language comes within the mischief of [section 504, Indian Penal Code, 1860 \(IPC, 1860\)](#), the Court has to see what would be the effect of the language used in ordinary course of events and not how the complainant actually behaved on being abused. Merely because a man of cool temperament did not react violently or break the peace it does not follow that no offence was committed by the accused.¹³ In the absence of actual words used by the accused or even a gist of it in the complaint it is not possible to say if the case falls within the ambit of section 504 ([IPC, 1960](#)), and as such the charge has to be quashed.¹⁴ Thus where the only allegation in the complaint was that when the complainant resisted the attempts by the accused to evict her forcibly from the land in her tenancy, the accused persons abused her in filthy words, the complainant not disclosing the actual words used by the accused or that she was provoked by the insulting abuse, the accused were not summoned.¹⁵

[s 504.1] Ingredients.—

This section requires two essentials:—

1. Intentionally insulting a person and thereby giving provocation to him.
2. The person insulting must intend or know it to be likely that such provocation will cause him to break the public peace or to commit any other offence.¹⁶

Mere hurling of abuses in absence of any allegation that such abuses were given intending or knowingly that such an action would provoke the aggrieved person to break public peace or to commit an offence does not fall within the definition of the offence as prescribed under section 504, ([IPC, 1860](#)). A bare reading of the section does not leave any room for doubt that the intentional insult which is given by the accused should be clothed with the intention or knowledge that such an insult would provoke the aggrieved person to commit breach of public peace or to commit an

offence.¹⁷ Section 504 refers to intentional insult with intent to provoke breach of peace.

In order to attract the ingredients of an offence under section 504 of the (IPC, 1860), it would be necessary that actual words used or supposed to have been used should be mentioned in the complaint/written report, otherwise it would be extremely difficult for the Court to decide whether or not the words used amounted to an intentional insult.¹⁸

[s 504.2] Sections 499 and 504.—

The difference between an offence under this section and defamation lies in the fact that in defamation, publication to the prosecutor alone is not sufficient, as such an imputation could not be said to harm the reputation of the person; but under this section this would complete the offence.

10. *Pukh Raj v State*, (1953) 3 Raj 983 .

11. *Abraham v State*, AIR 1960 Ker 236 [LNIND 1960 KER 34] .

12. *Mohammed Sabad Ali v Thuleswar Borah*, (1954) 6 Ass 274.

13. *K Veerangaiah*, 1976 Cr LJ 1690 (AP).

14. *Prem Pal Singh*, 1981 Cr LJ 1208 (HP).

15. *Jodh Singh v State of UP*, 1991 Cr LJ 3226 (All).

16. Restated in *Jodh Singh v State of UP*, 1991 Cr LJ 3226 (All). Sanction to prosecute a public servant under this section would be needed only when his act in question is a part of his official duty, and not when he abuses or insults a person who is in police lock-up. *Abani Ch Biswal v State of Orissa*, 1988 Cr LJ 1038 (Ori).

17. *Abdul Majid v State of Rajasthan*, 2012 Cr LJ 4392 (Raj); *Prakash Chandra Bafna v Oba Ram*, 2011 Cr LJ 416 (Raj)-using vulgar and filthy language against complainant when he went to his office to ask reason for not permitting him to mark his presence in register- held, not part of official duty and sanction is not necessary to prosecute him.

18. *Shiv Sundar Bharti v State of Bihar*, 2017(1) Crimes 351 (Pat) : 2016 Cr LJ 4761 (Pat).

THE INDIAN PENAL CODE

CHAPTER XXII OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

[s 505] Statements conducing to public mischief.

- ¹⁹(1) Whoever makes, publishes or circulates any statement, rumour or report,—
- (a) with intent to cause, or which is likely to cause, any officer, soldier, ²⁰[sailor or airman] in the Army, ²¹[Navy or Air Force] ²²of India to mutiny or otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
 - (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to [three years], or with fine, or with both.

- ²³(2) Statements creating or promoting enmity, hatred or ill-will between classes.

Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to ²⁴[three years], or with fine, or with both.

- ²⁵(3) Offence under sub-section (2) committed in place of worship, etc.

Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates [it in good faith] and without any such intent as aforesaid.

STATE AMENDMENT

Andhra Pradesh.—In Andhra Pradesh the offence is cognizable vide G.O. Ms. No. 732, dated 5-12-1991.

COMMENT.—

This section is aimed at reports calculated to produce mutiny or to induce one section of the population to commit offences against another and to prevent and remove communal and religious tensions. The Supreme Court has held that the provisions of this section are not unconstitutional as being violative of the fundamental right of freedom of speech and expression under [Article 19\(1\)\(a\) of the Constitution](#).²⁶ Sub-sections (2) and (3) of this section have now been made cognizable offences under the [Code of Criminal Procedure, 1973 \(Cr PC, 1973\)](#). Of course, offences under this section and sections 506 and 507, ([IPC, 1860](#)), can be made cognizable offences in specified areas by the State Government by a notification in the official Gazette under [section 10 of the Criminal Law Amendment Act, 1932](#).

A mere threat which causes no alarm to the complainant does not constitute an offence under the section.²⁷

[s 505.1] Sections 153A and 505.—

It is necessary under section 505 that there should be a publication of words or representation intended for promoting feelings of enmity or hatred, but this is not necessary under section 153A. Inciting of the feelings of one group merely without any reference to another group does not attract section 153A or section 505.²⁸ The Court referred to the decision in *Balwant Singh v State of Punjab*,²⁹ where the ruling was that *mens rea* is a necessary ingredient for the offence under section 153A. *Mens rea* is an equally necessary postulate for the offence under section 505(2) also as could be discerned from the words "with intent to create or promote or which is likely to create or promote" as used in that sub-section. The Court also referred to the decision in *Sunilakhya Chowdhury v HM Jadwet*,³⁰ wherein it was held that the words "makes or publishes any imputation" should be interpreted as words supplementing each other. A maker of imputation without publication is not liable to be punished under section 499. The same interpretation is warranted in respect of the words "makes, publishes or circulates" in section 505 ([IPC, 1860](#)) also.

19. Section 505 renumbered as sub-section (1) of that section by Act 35 of 1969, section 3 (w.e.f. 4 September 1969).

20. Subs. by Act 10 of 1927, section 2 and Sch I, for or sailor.

21. Subs. by Act 10 of 1927, section 2 and Sch I, for or Navy.

22. Subs. by A.O. 1950 for of Her Majesty or in the Imperial Service Troops. The words or in the Royal Indian Marine occurring after the words Majesty were omitted by Act 35 of 1934, section 2 and Sch.

23. Ins. by Act 35 of 1969, section 3(i) (w.e.f. 4 September 1969).

24. Subs. by Act 41 of 1961, section 4, for two years (w.e.f. 12 September 1961).

25. Ins. by Act 35 of 1969, section 3(i) (w.e.f. 4 September 1969).

26. *Kedar Nath*, [AIR 1962 SC 955 \[LNIND 1962 SC 21\]](#) .

27. *Amitabh Adhar v NCT of Delhi*, [2000 Cr LJ 4772](#) (Del).