IN THE COURT OF SHRI RAVINDRA KUMAR PANDEY, ACMM-01, ROUSE AVENUE DISTRICT COURTS, NEW DELHI

Complaint Case No. 05/2019
CNR No. DLCT12-000025-2019
Mobashar Jawed Akbar Vs. Priya Ramani

17.02.2021

ID No.	:	**05/2019**
CNR No.		**DLCT12-000025-2019**
Date of commission of offence	:	**08.10.2018**
Date of institution of the case	:	**18.10.2018**
Name of the complainant	:	**Mr. Mobashar Jawed Akbar S/o Sh. Sheikh Akbar Ali, R/o:- 9, Teen Murti Lanes, New Delhi-110011.**
Name of accused person and address	:	**Ms. Priya Ramani R/o LiveMint, HT Media Ltd., 1st Floor, 18-20 Kasturba Gandhi Marg, New Delhi-110001** **<u>Also At</u>:-** **F-2, Habitat Serenity No. 27,** **Viviani Road, behind Clerence High School, Richards Town, Pulakeshinagar,** **Banglore-560005**
Offence complained of	:	**U/s 500 IPC read with Section 499 IPC**
Plea of the accused	:	**Pleaded not guilty**
Final order	:	**Accused acquitted regarding commission of offence punishable U/s 500 IPC.**
Date of judgment	:	**17.02.2021**

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J U D G M E N T

1. As per complaint of the complainant, complainant Mobashar Jawed Akbar is a Politician who was Minister of State in External Affairs and is a Member of Parliament in Rajya Sabha from Madhya Pradesh State. It is averred that complainant is a veteran indian journalist and is author of several renowned books. It is also averred that complainant is married having two children. It is averred that he was Member of Parliament between 1989 and 1991. It is also averred that he was appointed as National Spokes Person during the year 2014 in General Elections and in the July 2015, he was elected to Rajya Sabha from Jharkhand State. It is averred that complainant had a long carrier in journalism and he launched India's First Weekly Political News Magazine, Sunday in the year 1996 and two daily Newspapers, The Telegraph and The Asian Age in the year 1989 and 1994 respectively. It is averred that complainant was also Editor in Chief and then the Editorial Director of the " The Sunday Guardian", a weekly newspaper, that he founded. It is averred that complainant remained associated with leading Media Houses and Periodicals in India Today, Headlines Today, The Telegraph, The Asian Age and the Deccan Chronicle etc. It is averred that complainant authored several non fiction books including, Nehru: The Making of India, Kashmir Behind the Vale, Riot after Riot, India: The Siege Within, The Shade of Swords, Blood Brothers- A family Saga, Have Pen, Will Travel: Observations of A Globetrotter, and Tinderbox: The Past and Future of Pakistan. It is averred by the complainant that accused Priya Ramani is a Journalist by a profession. It is alleged that complainant moved the present complaint to prosecute the accused Priya Ramani for defaming and damaging complainant's

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reputation by way of tweets, articles etc. published as well as distributed at her behest, in the print media as well as on the on-line platform such as Vogue Magazine, twitter, Firstpost etc. It is alleged by complainant that accused had made false, derogatory and malicious imputations against him such as, *"I began this piece with my MJ Akbar story. Never named him because he didn't 'do' anything. Lots of women have worse stories about this predator- maybe they'll share', ' the media's biggest sexual predator'. ' How many more stories do you need to hear?', 'Am glad # M.J Akbar won't be in the workplace any more but Akbar represent countless men who believe they can say and do whatever they want to women without any consequences'.'You're an expert on obscene phone calls, texts, inappropriate compliments and not taking no for an answer'*, in order to defame the complainant, with the sole ulterior motive of maligning his reputation and his political standing, in furtherance of his own vested interest and underlying agenda. It is further alleged by complainant that accused herself, while putting forward above mentioned defamatory statements, relating to the incidents allegedly occurred 20 years ago, simultaneously admits that the complainant did not 'do' anything to her. It is further averred that her conduct of not taking any action before any authority, with respect to the alleged incident against the complainant also clearly belies the sanctity of the article and allegation made by her, which evidently goes on to prove that those defamatory articles were only figment of her imagination and were only intended to malign the reputation of complainant. It is also alleged that defamatory statement made by her, by her design, been circulated, through electronic and print media, including but not limited to Vogue Magazine, Twitter, Live-mint, The Washington Post, First Post. It is also alleged by the complainant that defamatory articles and tweets as published are reproduced as under:-

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The article dated 12.10.2017, in, VOUGE INDIA,

'https://www.vogue.in/content/harvey-weinsteins-open letter-sexual harassment//amp/?twitter impression=true'

" Dear Male Boss,

You taught me my first workplace lesson. I was 23, you were 43. I grew up reading your smart opinions and dreamt of being as erudite as you. You were one of my professional heroes. Everyone said you had transformed Indian Journalism and I wanted to be on your team. So, we set a time you could interview me at the plush south Mumbai hotel where you always stayed.

It was 7pm, but that didn't bother me. I knew you were a busy editor. When I got to the lobby, I called you on the house phone. Come up, you said. Err really? Maybe that's how celebrity editors interviewed newbies, I thought. Back then I didn't have the confidence to say: " No, I'll wait for you in the lobby, you pervert."

Turns out you were as talented a predator as you were a writer. It was more date, less interview. You offered me a drink from the mini bar (I refused, you drank vodka), we sat on a small table for two that overlooked the Queen's Necklace (how romantic!) and you sang me old Hindi songs after inquiring after my musical preferences. You thought you were irresistible.

The bed, a scary interview accompaniment, was already turned down for the night. Come sit here, you said at one point, gesturing to a tiny space near you. I'm fine, I replied with a strained smile. I escaped that night, you hired me, I worked for you for many months even though I swore I would never be in a room alone with you again.

All these years later the world has changed but your species is just the same. You still think it's your right to take your pick of the bright professional young

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women who enter YOUR workplace. You whip out your tired tricks for a new batch of women every year. " Watch me shower." " Can I give you a massage? " A shoulder rub?" " I 'm ready for my blow job now." " Are you married?"

You're an expert on obscene phone calls, texts, inappropriate compliments and not taking no for an answer. You know how to pinch, pat, rub, grab and assault. Speaking up against you still carries a heavy price that many young women cannot afford to pay. Sometimes you are inconvenienced when the stories get out and you are asked to take a time out. Often, you are quickly reinstated. Why would you need to evolve, right?

Sure, there are many male bosses who don't think of us as their personal harem, but I haven't met too many who are ready to stand up with us and call out your misogyny. It doesn't matter. There are more brave women now who are not scared to point out the monster in the suit.

We'll get you all one day.

Priya Ramani".

2. It is also alleged by complainant that accused Priya Ramani published defamatory article by naming the complainant and connecting it with her previous article dated 12.10.2017 on her twitter account on 08.10.2018 Twitter, https://www.twitter.com/priyaramani/status/1049279608263245824, which is reproduced as:-

" I began this piece with my MJ Akbar story. Never named him because he didn't "do" anything. Lots of women have worse stories about this predator-maybe they'll share. #ulti https://www.vogue.in/content/harvey-weinsteins-open-letter- sexual-harassment/amp#click=https:/t.co/A2uHiJt9zd..."

3. It is also alleged by the complainant that on 10.10.2018, accused Priya

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Ramani further published the defamatory material on her twitter account https://www.twitter.com/priyaramani/status/1052175818087751 68 which is reproduced as under:-

" Ten of us @ sabanaqvi @prenabindra @ ghazalawahab @ kadambarim @ shutapapaul @ supranasharma @ harinderbaweja @ shumaraha @ 153anju have painted you a clear portrait of media's biggest sexual predator. How many more stories do you need to hear? # MJAkbar".

4. It is also alleged by the complainant that on 13.10.2018, accused Priya Ramani further published the defamatory material on her twitter account https://www.twitter.com/priyaramani/status/1051361254776983552 which is reproduced as under:-

" This is a big victory for the #metoo movement but it cannot and should not end here. Am glad @MJAkbar won't be in the workplace any more but Akbar represents countless men who believe they can say and do whatever they want to women without any consequences."

5. It is also alleged by the complainant that the defamatory publication as made by accused Priya Ramani were further published by various media agencies, link of some of the articles are as under:-

i. https://www.washingtonpost.com/news/global-opinions/wp/2018/10/10 an-actor-a-journalist-a-government-minister-who-is-next to-fall-in-indias-metoo-wave/?

nodirect=on&it,_term=.221c48f9bb89

ii. https://www.lovemint.com/Politics/tC6COLrrYteOJvdD53FY CI/MJ-Akbar-facing-MeToo-heat-heads-to-Equatorial- Guinea.html.

iii. https://www.firstpost.com/india/metoo-mj-akbars-use-of-pretatory-tactics-sexual-harassment-in-newsroom-14-women-share-their-ordeal-5359861.html.

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6. It is averred by the complainant that accused Priya Ramani herself admitted that complainant did not 'do' anything to her and despite that she had intentionally put forward malicious, fabricated and salacious imputations to harm the reputation of complainant. It is further alleged by complainant that accused Priya Ramani had resorted to a series of maliciously fabricated allegations, which was diabolically and viciously spread by her by using media. It is further alleged by complainant that the false narrative against the complainant was being circulated in a motivated manner and for the fulfillment of an agenda. It is further alleged that the scandalous allegations levelled by accused Priya Ramani against the complainant, by their very tone and tenor, are ex-facie defamatory and had not only damaged the complainant's goodwill and reputation, in his social circles and on the political stage, which was established after years of toil and hard work but also had affected the personal reputation of complainant in the community, friends and colleagues, thereby caused him irreparable loss and tremendous distress. It is further alleged by the complainant that publication as made by accused Priya Ramani had caused great humiliation to the complainant and his reputation had been severally tarnished in the eyes of public, family, colleagues, political fraternity and associates.

7. On the basis of pre-summoning evidence led by complainant, accused Priya Ramani was summoned by this Court vide order dated 29.01.2019 for commission of offence punishable U/s 500 IPC.

8. Vide order dated 10.04.2019, notice U/s 251 Cr.PC for commission of offence punishable U/s 500 IPC was framed against the accused Priya Ramani to which she pleaded not guilty and claim for trial.

9. Vide order dated 10.11.2020, the typographical error was amended in the notice U/s 251 Cr.PC on the basis of consent of both the parties.

10. In post notice evidence, complainant examined himself as CW1, CW2 Ms.

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Veenu Sandal, CW3 Sh Tapan Chaki, CW4 Sh Sunil Gujral, CW5 Ms Joyeeta Basu and CW6 Sh Manzar Ali.

11. **CW-1 Complainant M.J Akbar** deposed that he graduated in Calcutta Boys School, Presidency College, Calcutta and after that at very young age, he joined the Times of India. He deposed that he was assigned to do a number of cover stories and measure articles on the strength of which he was first appointed as Editor of Fortnightly Publication called " Onlooker", and then SUNDAY. He further deposed that in the year 1982, he became Editor of Telegraph. He deposed that he launched the Asian Age and later on joined India Today as its Editorial Director. He deposed that he started Sunday Guardian. He deposed that he wrote number of books like " India: The Siege Within which is Ex. CW1/1, Nehru- The Making of India which is Ex. CW1/2, Kashmir Behind the Vale which is Ex. CW1/3, Byline which is Ex. CW1/4, The Shade of Swords which is Ex. CW1/5 and Tinderbox: The Past and Future of Pakistan which is Ex. CW1/6. He deposed that the books written by him were widely appreciated and published across the world in number of languages. He deposed that his publication and work in Journalism established him in good reputation in India as a serious writer. He deposed that he worked with "The Sunday" between 1976 and 1983. He deposed that he edited "The Telegraph" between 1982 and 1989. He deposed that he was in the Asian Age between 1993 and perhaps 2006. He deposed that he joined the BJP in the year 2014 and was appointed as a National Spokesman for the party and he was included in the Ministry in the year 2016 as a Minister of State for External Affairs.

He deposed that he filed complaint of criminal defamation Ex. CW1/7 against accused Priya Ramani. He deposed that complaint was filed against a tweet that accused Priya Ramani issued last year in October. He deposed that at that time he was in Africa on an official tour and he got the full detail only on his return. He further deposed that the tweet was based on the article that the accused had written in

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a magazine Vogue in the year 2017. Witness identified the tweet as Ex. CW1/8 and the offending portion from point A to A on Ex.CW1/8 and the link to the Vogue article from point B to B. He deposed that the re-tweets as on that day and the likes depicted in the tweets are at point C to C. He deposed that the print out of Vogue article referred to in the link as Ex. CW1/9. He deposed that the defamatory offending portion, in particular, in addition to other portion of the article are portion A to A and B to B on Ex. CW1/9. Witness identified the print outs of the tweets of accused Priya Ramani dated 10.10.2018 and 13.10.2018 as Ex. CW1/10 and Ex. CW1/11.

Complainant further deposed that there was a curious anomaly. He deposed that the original article in the Vogue did not contain the complainant's name. He further deposed that he can infer that, that was because the inclusion of his name would have been defamatory. He further deposed that the tweet Ex. CW1/8, however, referred the complainant specifically. He deposed that tweet Ex. CW1/8 was made by accused Priya Ramani. He deposed that the language used in a tweet was deeply offensive, maligning, malafide, in bad faith and a web of fabrication, spun out of lies. He further deposed that the tweets adversely affected his public reputation as well as his standing within family and friends. He deposed that the allegations as made in the tweets were false, however, in order to protect his reputation he sought justice from this Court. He deposed that he choose to resign from his position as Minister of State. He deposed that since the allegation had been made in his personal capacity, he decided to seek justice also in his personal capacity. He deposed that his standing was reflected both in the sequence of responsibilities he was given in Journalism and then in the Public life. He deposed that he was given jobs of the highest responsibilities in media and then when he joined politics, he was made a member of Rajya Sabha and then given the honour of joining the Ministry.

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He deposed that the tweets of accused Priya Ramani become the basis of the articles that amounted to aggravated defamation in the most of Indian Media as well as internationally known newspapers and websites. He deposed and produced the articles and print outs of Washington Post dated 10.10.2018 having website at www.washingtonpost.com Ex. CW1/12, Livemint dated 12.10.2018 having website at www.livemint.com Ex. CW1/13, and article dated 14.10.2018 published in First Post having website at www.firstpost.com Ex. CW1/14. He deposed that the immediate reaction was of course from family and close friends, who were profoundly hurt. He deposed that some of old colleagues were also extremely upset. He deposed that it was only after hearing his version, they began to understand the nature of that resort on his reputation. He deposed that they had questions and complainant also received call because these attack were unwarranted, defamatory and malafide. He deposed that it adversely affected his public life, and reputation. He further deposed that he began writing and publishing in the late 1960's and quickly assume responsibilities of Chief Editor in his early twenties. He deposed that the publications amounts to damaging a lifetimes good reputation, stretching across more than 50 years of professional ability. He deposed that on a personal level, there were friends like Sunil Gujral, in addition to his family and on professional level colleagues like Joyeeta Basu, Veenu Sandal, Sayeed Habib Ur Rehman, Mr. Tapan Chakki in whose eyes his reputation was definitely lowered by the accusation and false allegation made by accused Priya Ramani intentionally and deliberately to harm his reputation and goodwill. He deposed that the per se effect was defamatory and lowering of prestige in the eyes of right thinking members of the public. He deposed that he have been harmed by the offensive words used, which were false and which caused irreparable damage to his stellar reputation which he had built over many years. He deposed that his complaint is correct and allegation made against him are false.

12. During cross examination on behalf of accused Priya Ramani, CW1

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denied the suggestion that he had made ideological U-turns several times during his carrear as a politician. CW1 replied that he do not remember whether in the year 2003, he had been issued Contempt notice by Hon'ble High Court of Delhi being Chief Editor of Asian Age newspaper for false reporting of Court proceedings and he was found guilty for the same and paid an amount of Rs. 2000/- as a fine. Witness further replied that he do not remember whether he tendered an apology in that case and whether it was published in Asian Age newspaper. Witness admitted that there were number of job openings in Asian Age in December 1993 when the paper was about to launch. Witness voluntarily explained that if the paper was being launched at that time, then there would have been job openings. The paper was launched sometimes in 1994. Witness CW1 replied that he do not remember whether accused Priya Ramani met him in his office in Bombay in the year December 1993, while she was looking for a job at Asian Age or that he told her that he was busy and asked her to meet him at 07.00 pm on the same day at Oberoi Hotel at Nariman Point for job interview. Witness CW1 further replied that he cannot say whether accused Priya Ramani reached Oberoi Hotel at 07.00 pm or her close friend Niloufer Vanketraman dropped her there and left. Witness voluntarily explained that how can he know these things. Witness denied that he had received any call from reception by accused Priya Ramani on that day. Witness denied the suggestion that he received the call from reception or accused Priya Ramani came to his room or accused Priya Ramani was hesitant or witness insisted. Witness admitted that in December 1993, he was aged about 42 years and accused Priya Ramani was 23 years old. Witness further replied that he do not know whether it was first job interview by accused Priya Ramani after her graduation. Witness denied the suggestion that accused Priya Ramani went to his room (complainant's room) and witness answered the door. Witness denied the suggestion that room was small and it was a bed room. Witness further denied the suggestion that the bed in the hotel room was turned down for the night or there were two chairs and

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one table in the room or that accused Priya Ramani and witness both seated at the table. Witness further denied the suggestion that conversation between accused Priya Ramani and witness was more personal than professional at the instance of witness or that witness asked about the family of the accused Priya Ramani and why she went abroad to her study or whether accused Priya Ramani was married. Witness further denied the suggestion that accused Priya Ramani told to the witness that it was her dream to be a Journalist. Witness further denied the suggestion that accused Priya Ramani told to the witness that she did not want to be trapped in an arrange marriage. Witness further denied the suggestion that witness asked accused Priya Ramani whether she like music and accused answered in affirmative and witness began to sing old Hindi songs. Witness further denied the suggestion that he offered accused Priya Ramani an alcoholic drink from Mini Bar in the room and she refused. Witness voluntarily explained that as occasion did not arise. Witness further denied the suggestion that he sat on a small two seater sofa and asked the accused Priya Ramani to join him which accused refused. Witness voluntarily explained that as occasion did not arise. Witness further denied the suggestion that when accused Priya Ramani was leaving, he told her that his office will get in touch with her in a few days time. Witness voluntarily explained that the occasion did not arise. Witness denied the other suggestion as put by accused counsel regarding the discussion about writing skill of the accused, knowledge of current affairs of the accused or ability of the accused to enter the world of Journalism and witness explained that there was not meeting. Witness also denied that accused felt un-nerved by the behaviour of the complainant and explained that he did not met with the accused Priya Ramani. Witness further replied that he do not know whether accused Priya Ramani after leaving the hotel went back to her residence and explained that no meeting took place between complainant and accused as alleged. Witness denied the suggestion that he deposed falsely regarding the above said answers or he was tutored to give the above

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said answers. Witness replied that he was not sure whether accused Priya Ramani was offered a job in Asian Age newspaper in January 1994 to Delhi office. Witness voluntarily explained that as it is a twenty five years old matter and to best of his knowledge accused was working in Bombay office. Witness denied the suggestion that he know that accused Priya Ramani was offered a job with Delhi office and witness deliberately stated otherwise. Witness replied that he cannot specifically recall that accused joined the Delhi office and she asked for her transfer to Bombay after ten days. Witness further replied that it may be correct that accused Priya Ramani had quit Asian Age in the year 1994 and joined Reuters. Witness stated that after quitting Asian Age she never worked with the complainant. Witness replied that he is not aware that accused Priya Ramani has been a Journalist for last twenty years.

Witness admitted that in the year 2017, numerous women including actresses, models and other belonging to entertainment industry in America, made allegations of sexual harassment against Hollywood producers and co-founder of Weinstein Company, Harvey Weinstein.

Complainant objected to the content of document Ex. CW1/9 on the basis of provision U/s 91 and 92 of the Indian Evidence Act as question put to him that " it is evident from article Ex. CW1/9 that it address to Harvey Weinstein of the world and Vogue article is "Harvey-Weinstein open -letter -Sexual- Harassment". Similarly, complainant also objected to the question qua the tweet Ex. CW1/8 U/s 91 and 92 of the Indian Evidence Act and question that in document Ex. CW1/8 from point D to D " I began this piece with my MJ Akbar Story".

Witness denied the suggestion that Vogue article Ex. CW1/9 from point X to X only refers to him. Witness voluntarily explained that entire article referred to him and he was stated a fact that in the first published version name of witness was not there and later on in the tweet, accused confirmed that whole piece was about the

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witness. Witness denied the suggestion that remaining portion from point Y to Y in the article Ex. CW1/9 relates to the experiences of other women with other bosses in particular Harvey Weinstein and not to the witness. Witness admitted that various articles relating to Harvey Weinstein and his unwelcome sexual encounters with Hollywood actors, Models and others were extensively investigated and written about in 2017. Witness stated that he did not read articles Mark B1, B2, B3, B4. Witness denied the suggestion that he was always aware that portion Y to Y in the article Ex. CW1/9 was related to other male bosses and not to the witness. Witness voluntarily explained that article begins not with male bosses but " Male Boss" which means it refers to an individual. Witness denied the suggestion that the term "Male Boss" is a generic term and he deliberately mis-interpreted the same. Witness denied the suggestion that title of the article makes it clear that it referred to "Male Bosses" and not to some individual. Witness denied the suggestion that in the tweet Ex. CW1/8, the words " Never named him because he did not 'do' anything" were used in a sarcastic sense only, and nothing happened physically. Witness voluntarily explained as the incident never happened. Witness voluntarily explained that he only relied upon the tweet made by accused Priya Ramani from point A to A, B to B and C to C. Witness admitted that tweets on the page of document Ex. CW1/8 had made allegations against him. Witness voluntarily explained that they all are false. Witness stated that he did not read the tweet Mark C of Ghazala Wahab from point A to A. Witness admitted that Ms. Ghazala Wahab worked in Asian Age in Delhi office first as Sub-Editor and Chief Sub-Editor between August 1994 and January 1998. Witness stated that he do not recall whether Shunali Khullar Shroff worked as Reporter in Asian Age, Delhi from 1999 to 2000 and witness denied that he is aware that Shunali Khullar Shroff worked as above-referred. Witness admitted that he had read article Ex. CW1/14 before his evidence on 31.10.2018 and the article carries the tweet of Harinder Baweja from point A to A. Witness admitted that he read tweet Mark D of

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Harinder Baweja. Witness admitted that he is aware that Mr. Harinder Baweja is a Senior Journalist with Hindustan Times. Witness admitted that he had read the tweet of Ms. Shuma Raha in Ex. CW1/14 at point B to B and he also read tweet of Ms. Shuma Raha Mark E. Witness stated that he did not read the tweet of Ms. Shuma Raha Mark F. Witness stated that he cannot recall whether Ms. Shuma Raha was the associate Editor with the Telegraph. Witness admitted that he read the tweet of Ms. Shutapa Paul and Kadambari M. Wade in Ex. CW1/14 from point C to C and from point D to D. Witness stated that he did not read the 33 tweets of Shutapa Paul Mark G except the tweets referred in Ex. CW1/14. Witness admitted that Ms. Shutapa Paul worked with him at India Today Kolkatta as a Principal Correspondent in 2010/2011. Witness stated that he did not read 7 tweets of Ms. Kadambari M. Wade Mark H earlier except tweets referred in Ex. CW1/14. Witness stated that he cannot recall whether Ms. Kadambari M. Wade worked with him in Asian Age as Sports Reporter in 1998-1999 as the matter is twenty years old. Witness admitted that he is aware that Ms. Ghazala Wahab had written an article Mark I. Witness admitted that when he returned from Africa in October 2018, he made a statement to Press and refuted the allegation made by Ms. Ghazala Wahab. Witness stated that he is not aware whether Ms. Ghazala Wahab wrote another article Mark J after statement of the witness to the Press. Witness admitted that Majlie De Puy Kamp worked with him as intern in Asian Age in the year 2006-2007. Witness stated that he cannot confirm the contents of e-mail mentioned Mark K. Witness stated that he can truly assert that there was absolutely no question of any harassment of lady Majlie De Puy Kamp. Witness stated that he recall there might have been a mention of some understanding which was accepted. Witness denied the suggestion that Majlie De Puy Kamp publically recounted her experience of being sexually assaulted by the witness while she interned at Asian Age as an 18 years old. Witness further stated that he do not recall whether he received any e-mail from the father of Majlie De Puy Kamp or replied to

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that e-mail making an apology. Witness stated that he is not aware whether Majlie De Puy Kamp is a reputed international journalist having worked as a freelancer with New York Times and is presently a reporter with " CNN Investigates" in the New York. Witness stated that he do not recall whether the Ruth David worked with him as a Reporter in Asian Age from the year 1999-2000. Witness denied the suggestion that he deliberately not answering the correct fact. Witness replied that he was not aware nor he read any article written by Ruth David recounting several instances of sexual misconduct on witness part. Witness voluntarily stated that if any such article was written, it is wrong and allegation, if any, are denied. Witness admitted regarding the record of Ex. CW1/14 that Prerena Singh Bindra took to twitter and made several tweets from portion E to E. Witness was shown the document Mark L and witness admitted that Prerena Singh Bindra had worked with him at Asian Age Bombay as a Feature Editor from 2000-2002. Witness stated that he made public statement on 14.10.2018 refuting the allegation made against him. Witness stated that he do not remember the details of public statement and whether he took the names of several women who made allegations against him. Witness admitted that he read the document filed as annexure with the complaint of defamation. Witness admitted that when he filed his complaint he was aware of the fact that several women made allegations against him. Witness admitted that he had not filed any complaint against any other person, Indian or International Publication, Web Portal, Twitter or Vogue Magazine. Witness voluntarily stated that he reserved his rights to take legal action against any other person or above mentioned entities also in future.

Witness stated that he worked with journalist Ms. Pallavi Gogoi in the year 1994 at Asian Age. Witness stated that he was made aware of an article Mark M written by Ms. Pallavi Gogoi in Washington Post dated 01.11.2018 but he deny all those allegations. Witness stated that it is a matter of public record that on 02.11.2018, he released a statement to ANI in relation to allegation made by Ms.

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Pallavi Gogoi. Witness admitted that statement Ex. CW1/D-A was released to the ANI. Witness also admitted that his wife also released a statement to ANI from portion A to A on 02.11.2018 Ex. CW1/D-B. Witness expressed the possibility that Ms. Pallavi Gogoi was 23 years old in the year 1994 and he was 43 years at that time and admitted that Ms Pallavi Gogoi was his subordinate at the work place. Witness stated that he is not aware whether in response to the statement of witness Ex. CW1/D-A, Ms. Pallavi Gogoi tweeted Mark N from portion A to A and reiterated her account in the article which appeared in Washington Post Article Mark M. Witness stated that he is not aware whether Ms. Pallavi Gogoi has worked at Dow Jones, Business Week, USA Today, The Associated Press, CNN and is presently head of the Business Desk at the National Public Radio, USA. Witness denied the suggestion that the response to the article Mark M were based on legal advise to pre-empt any action against witness. Witness stated that he had not filed any case of defamation against Ms. Pallavi Gogoi and Washington Post.

Witness stated that he do not remember the dates on which his witnesses Ms. Joyeeta Basu, Ms. Veenu Sandal, Mr. Tapan Chaki, Sh Sunil Gujral and Ms. Rachna Grover had contacted him with respect to the tweets of Ms. Priya Ramani or whether they contacted him when he was in Africa. Witness admitted that he discussed the allegations made by other women journalists against him before filing the complaint. Witness denied the suggestion that his witnesses were tutored witnesses and examined just to fulfill the legal requirement. Witness admitted the copy of order of Hon'ble High Court of Delhi Ex. CW1/D-C and affidavit Ex. CW1/D-D. Witness denied the suggestion that the tweet Ex. CW1/8 did not use the language that was deeply offensive, maligning, malafide, in bad faith and a web of fabrication, spun out of lies. Witness denied the suggestion that allegation made in the tweet Ex. CW1/8 are not false. Witness further denied the suggestion that allegation made in article Ex. CW1/9 from portion A to A are not false. Witness denied the suggestion

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that in document Ex. CW1/9 from portion B to B are not referring to the witness. Witness denied the suggestion that his evidence in the Court has deliberately obfuscated the truth. Witness denied the suggestion that complaint filed by him is false and without merit. Witness denied the suggestion that he filed complaint against accused Priya Ramani selectively in order to target her and to create an all around chilling effect. Witness denied the suggestion that he tried to improve his case progressively since the filing of complaint Ex. CW1/7.

Witness stated that he is not aware whether MeToo Movement began on social media but aware about the start of MeToo Movement. Witness stated that he is aware from the newspaper that from October 2018, the MeToo Movement in India gathered sharp momentum when several women belonging to Indian Film Industry, News Media and other spoke out against sexual harassment at the work place. Witness denied the suggestion that article and tweets of accused Priya Ramani were meant to raise awareness of pervasiveness of the issue of sexual harassment at work place. Witness denied the suggestion that accused Priya Ramani disclosure in document Ex. CW1/8, Ex. CW1/9 and Ex. CW1/10 and Ex. CW1/11 pertaining to the complainant were true and made into good faith in public interest and for public good.

13. **CW-2 Ms. Veenu Sandal** deposed that she is Journalist by profession and have been working over 25 years as a Journalist. She deposed further that she started writing Asian Age sometimes in the year 1992,1995. She deposed that she used to write two columns for Asian Age, one column on Astrology and other for Tarot Cards. She deposed that she got to know Mr. Akbar/complainant when she started writing for the Asian Age. She deposed that she wrote those columns till 2009. She deposed that she was writing for several publications but with regard to the complainant, she was writing for the Covert and the Sunday Guardian in addition to having written for Asian Age. She deposed that while she was writing the columns in

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Asian Age, she regularly used to visit to the Asian Age office to have pages carrying her columns. She deposed that because of her knowledge of Astrology and Tarot Cards, many of her colleagues often brought professional, personal and carrear related issues before her to seek guidance based on Astrology and Tarot Cards. She deposed that Mr. Akbar time to time used to offer suggestions on how to improve those columns for readers. She deposed that none of her colleague even hint at any in-appropriate behaviour from Mr. Akbar. She deposed that she have always held Mr. Akbar in high esteem and she have always admired him at several levels. She deposed that complainant is an author acclaimed globally for his scholarly work, as an editor who transformed the face of Indian Journalism, as Journalist, whose analysis was extremely incisive particularly in political matters. She deposed that at personal level, too, she had great respect for him because he had many qualities. She deposed that she learn a lot from complainant by observing him both within the office and outside. She further deposed that on 08.10.2018, she heard the news about the tweet published by accused Priya Ramani and article written by her. She further deposed that she checked online and read both the tweet and the article to the link provided by the accused Priya Ramani with her tweet. She deposed that she also read the tweets dated 10.10.2018 and 13.10.2018. She deposed that the tweets and article are Ex. CW1/8 , Ex CW1/9, Ex. CW1/10 and Ex CW1/11. She deposed that she was shocked and it came as a jolt to her upon reading the articles and calling Mr. Akbar as Predator and other revelations made by accused Priya Ramani in her article. She deposed that when complainant's e-mail fell in her eyes, his entire persona dented. She further deposed that it was embarrassing for her when friends, family members and other people she met publically asked questions with her about the article published by accused Priya Ramani. She deposed that she knew the complainant for many years and she had never seen for her any such thing before. She deposed that at that time complainant was out of country and she could not check

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with him and questioned him about the allegations and when he returned, witness spoke to him and told him how let down, she felt and how every second person asked question about complainant, which was very difficult for the witness to answer. She deposed that she spoke with the complainant who inform her that there were no truth in the allegation made by accused Priya Ramani. She deposed that she had never on any occasion heard anything which was even remotely similar or connected to the allegation of accused Priya Ramani.

14. During cross examination on behalf of the accused Priya Ramani, witness replied that she had never met accused Priya Ramani nor read anything prior to the tweets of accused Priya Ramani about the allegations against the complainant by any other women. She further replied that at the time of accused tweet, there was only accused tweet and she did not read any other tweets or articles. Witness further replied that subsequently, she heard that there were other tweets and articles by other women but she did not read them. She denied that she had given a false answer or she had read other tweets and articles of other women pertaining to the allegation of the sexual misconduct against complainant. She replied that during her tenure at Asian Age, she interacted professionally with Ms. Ghazala Wahab and not with Ms. Prerena Singh Bindra, Ms. Sumha Raha, Mr. Harinder Baweja and Ms. Kadambari Wade. She further replied that she do not know whether Ms. Ghazala Wahab wrote in the " The Wire" or not but she was made aware that Ms. Ghazala Wahab had written an article about complainant in which she had also mentioned the name of the witness. She replied that she did not deem it necessary to confront to the accused Priya Ramani or talk to her about the said allegations. Witness voluntarily stated that she knew that there were no truth in those allegations. Witness further replied that she spoke to the complainant on his return from Africa that is on 14.10.2018. She replied that she spoke to the complainant on that day on phone several times. Witness denied the suggestion that she improved her testimony in post notice from her version at pre

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summoning evidence stage on advise in order to improve her evidence. Witness further denied the suggestion that she had selectively and deliberately given evidence against accused Priya Ramani although she was aware of other allegations made by other women. Witness denied the suggestion that she introduced new facts in her testimony solely to fulfill the legal requirement of the case. She further denied the suggestion that she deposed in favour of complainant because she was benefited professionally from complainant with his association. Witness admitted that some of her friends who spoke to her about the allegations made by accused Priya Ramani against complainant also discussed the allegations made by other women in other tweets/articles against complainant. Witness denied the suggestion that she is biased and tutored witness.

15. **CW-3 Mr. Tapan Chaki** deposed that he is a Corporate Communication Consultant and based in Culcutta and he knew Mr. Akbar for well over 30 years. He further deposed that he also used to contribute articles to the Onlooker. He deposed that he used to write for Sunday and thereafter, he also used to write a Weekly Sports Column for the Telegraph. He deposed that he had highest regard for complainant both as a man and as a Journalist. He deposed that complainant was highly regarded for his writing skills, administrative skills and as a person, he would get alongwith friends, colleagues. He deposed that he had seen and read the tweets and publication Ex. CW1/8, Ex. CW1/9, Ex. CW1/10 and Ex. CW1/11 posted by accused Priya Ramani. He deposed that he was extremely shocked and quite shattered on reading the aforesaid mentioned tweets and publications. He deposed that he knew the complainant all these years and there was never any occasion where anybody ever mention anything remotely resembling to such allegations. He deposed that the tweets and publications referred above have caused enormous damage to his reputation built by him over so many years. He deposed that he received phone calls and had direct

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conversation with friends and acquaintances who told him about those tweets. He deposed that they were as surprised and shocked even they said that quite unbelievable. He deposed that it damage the reputation of complainant immensely amongst members of the public. He deposed that in his estimation, the tweets and publications of accused Priya Ramani affected the reputation of complainant very gravely and adversely.

16. During cross examination by accused Priya Ramani, witness replied that he had never met with accused Priya Ramani nor he had occasion to interact with Harinder Baweja, Ghazala Wahab, Kadambhari Wade, Prerena Singh Bindra, Ruth David, Pallavi Gogoi, Suparna Sharma, Swati Gautam, Majlie De Puy Kamp and Tushita Patel. He deposed that he cannot even confirm whether they worked for Asian Age or not. He replied that he did not read any tweet or article that was published by other women alleging sexual misconduct on the part of complainant, however, he was informed for the same. He replied that his friends and associates who spoke to him about accused Priya Ramani's tweets/publications did not speak to him about the tweets and publications of other women as mentioned above. He deposed that he was not associated with India Today when complainant was its Editor. Witness further replied that he had made a statement on 11.01.2019 in this case. Witness was confronted while putting his statement recorded on 11.01.2019 regarding the improvement made in post notice evidence. Witness denied the suggestion that he had heard several instances of sexual misconduct while he was working with complainant in Asian Age but he was concealing the same. Witness further denied the suggestion that he gave false evidence in respect to the character and reputation of complainant. Witness further denied the suggestion that the tweets and publications Ex. CW1/8 to Ex. CW1/11 did not came as a shock to him nor he was disturbed or shattered while reading the same. He further denied the suggestion that his friends and acquaintances were not surprised and shocked neither they said that allegations

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were quite unbelievable. Witness denied the suggestion that he gave evidence in the case at the instance of complainant to fulfill the legal requirement. Witness denied the suggestion that he deposed in the Court only because he had close professional relationship with the complainant. Witness denied the suggestion that he deliberately feigning ignorance about reading the tweets and articles of multiple other women against complainant. Witness denied the suggestion that he is false and tutored witness.

17. **CW-4 Sh. Sunil Gujral** deposed that he is a businessman and done his own business of where housing and logistics. He deposed that he moved to Kolkatta in the year 1980 to establish his business and there he met with the complainant who was his neighbour. He deposed that witness and complainant became good family friends after sometime. He deposed that in the year 1990, he moved back to Delhi and in the year 2010, when complainant was starting Sunday Guardian, he asked him to assist him in the administrative side of the business of publishing newspaper. He deposed that he was printer publisher of the Sunday Guardian for around three years. He deposed that he found the complainant a perfect gentleman holding a good reputation in the society and in the forum of Journalism as an author. He deposed that at the time, when he met him, he was the Editor of Sunday Magazine which was publication of Anand Bazar Patrika group of Kolkatta. He deposed that in his capacity as a neighbour, colleagues and friends, he had never heard anything against him or negative about him. He deposed that he found him a very hard working man keeping long working hours and travelling for political stories on Journalism. He deposed that the reputation of the complainant in the society was impeccable. He deposed that he had seen and read the tweets and publication Ex. CW1/8, Ex. CW1/9, Ex. CW1/10 and Ex. CW1/11 posted by accused Priya Ramani. He deposed that the publication was embarrassing for him and it had tarnished the image of complainant in his eyes

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and in the eyes of other people whom he knew and caused irreparable damage to his reputation. He deposed that somebody send the tweet to him on social media application, WhatsAPP and that is how he read the tweets and articles. He deposed that a lot of people who were their friends and acquaintances and business associates started contacting him to understand and to know what had happened and what was complainant doing as it came as a surprise to most of people who contacted through the witness. He deposed that he knew the complainant for about 40 years and most of those people knew about his long association with the witness.

18. During cross examination by accused Priya Ramani, witness replied that in Kolkatta, he knew complainant in his personal capacity and his professional relationship started with the complainant in the year 2010. Witness admitted that complainant is having a property in the neighbourhood of the witness. Witness replied that he do not remember whether he extended personal loan to the complainant in the year 2016. Witness stated that he had no occasion to interact with Harinder Baweja, Ghazala Wahab, Kadambari Wade, Prerena Singh Bindra, Ruth David, Pallavi Gogoi, Superna Sharma, Swati Gautam, Majli De Puy Kamp and Tushita Patel. Witness deposed that he did not read any article/publication/tweet written by above said persons about allegation of sexual misconduct relating to Mr. Akbar. He replied that in the interaction with his friends, acquaintances and business associates those allegations other than those made by accused Priya Ramani were not brought to his knowledge. Witness denied the suggestion that he was aware of several instances/allegation of sexual misconduct by complainant made by other women Journalist but he had deliberately concealed the same. Witness denied the suggestion that he was well aware about complainant's adverse reputation qua some of his female colleagues. He denied the suggestion that he had deliberately and falsely stated that complainant had an impeccable reputation. Witness denied the suggestion that he came to depose in favour of complainant because of long standing personal,

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professional and financial relationship. Witness denied the suggestion that he is a false and tutored witness to fulfill the legal requirements.

19. **CW-5 Ms. Joyeeta Basu** deposed that she has been a Journalist for over 20 years and has worked in different capacities in Magna Publishing Company in Asian Age, in Covert and currently she was editor of the weekly newspaper the "Sunday Guardian". She deposed that she met to the complainant in November 1998 and she started working with Asian Age in December 1998. She deposed that she worked in Asian Age in different capacities for approximately 9 to 9 and half year. She deposed that except for first few months, she had daily interaction with complainant as she was working under him in editorial and opinion section of Asian Age. She deposed that over the period of time, complainant let him carve out a separate department of Editorial and Opinion Section. She deposed that she was hiring people and was heading the section and would interact with her juniors and complainant would interact with her. She deposed that after Asian Age, she joined Covert which complainant started and which subsequently Metamorphosed into The Sunday Guardian. She deposed that she had worked with the complainant for a period of 15 years. She deposed that she had high regard to the complainant and complainant is strict professional, a teacher, a tough task master, someone who taught the witness everything about newspaper and magazine journalism. She deposed that complainant has been a perfect gentleman to the witness and in the office, he was complete professional and a tough task master for everyone. She deposed that complainant was held in high esteem in office and in the eyes of world. She deposed that complainant has impeccable reputation as a brilliant writer, journalist and a public figure. She deposed that on 08.10.2018, she read a tweet published by accused Priya Ramani Ex. CW1/8 and the link provided with the tweet Ex. CW1/9. She deposed that she was embarrassed at the scandalous tweet published by accused Priya Ramani. She

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deposed that the tweet and article really lowered the complainant's image and reputation in her eyes. She deposed that there was a lot of talk in her circle of acquaintances, all of which aggravated the situation and reputation of the complainant were destroyed, irreparably harm. She deposed that she reasoned with herself considering her experience of working with complainant for almost 15 years and she over came her doubts and she decided to speak out. She deposed that she tweeted in support of complainant on 09.10.2018. She deposed that the social behaviour of complainant has always been impeccable. She deposed that she has seen Ex. CW1/10 and Ex. CW1/11 dated 10.10.2018 and 13.10.2018 which were published by accused Priya Ramani. She deposed that by all the aforesaid malicious tweets, the reputation of complainant was permanently destroyed in the eyes of society.

20. During cross examination by accused Priya Ramani, witness replied that she gave an interview to the digital edition of New X regarding her individual experience with the complainant. Witness further replied that she do not remember if the date of interview was 15.10.2018. Witness stated that she had stated in that interview that she considered her relation with complainant as Guru and Shishya and she considered him as her Guru. She deposed that she also said in that interview that she feel truly indebted to Mr. Akbar. Witness further replied and admitted that she gave an interview to the India Today television news channel regarding her individual experience with the complainant. She further replied that she do not remember if the date of interview was 16.10.2018. She admitted that the interview she gave to the India Today television was after complainant filed the present complaint before the Court and she had agreed to be a witness in the present case. Witness admitted that complainant thanked her through SMS with respect to her tweets dated 09.10.2018 and SMS was probably send on 10th or 11th October 2018. Witness admitted that complainant contacted her and asked her whether she can be witness for him in this case. Witness replied that she suggested the complainant that he should take legal

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action during SMS conversation before the complaint was filed. Witness replied that she worked with the son of the complainant in Sunday Guardian. Witness further replied that she never worked with accused Priya Ramani or Ghazala Wahab. Witness replied that she had read few tweets by some women post dated 08.10.2018 alleging sexual misconduct by complainant. Witness further replied that she had not read any tweet alleging sexual harassment against complainant before 08.10.2018. Witness further replied that she has no personal knowledge regarding the incident alleged by accused Priya Ramani or Ghazala Wahab. Witness replied that she do not know the Shutapha Paul. Witness denied the suggestion that she deposed falsely at the instance of complainant. Witness denied the suggestion that tweets of accused Priya Ramani were not malicious or scandalous. Witness denied the suggestion that reputation of complainant was never lowered down in her eyes and for this reason she tweeted in support of complainant on 09.10.2018. Witness denied the suggestion that she is a tutored witness or she testified to fulfill legal requirement or she deposed on account of her close professional and personal relationship with the complainant.

21. **CW-6 Sh. Manzar Ali** deposed that he is working as First Personal Assistant to the complainant for last 25 years and based at the residence of complainant. He further deposed that he has seen Ex. CW1/8, Ex CW1/9, Ex. CW1/10, Ex. CW1/11, Ex. CW1/12 and Ex. CW1/13. He deposed that he had taken the prints out of above mentioned documents from the office computer and printer installed at the residence of complainant on 14.10.2018. He deposed that the said computer and printer were regularly used by witness and were functioning properly. He produced the Certificate U/s 65-B of Indian Evidence Act alongwith affidavit in support of the exhibits as Ex. CW6/A bearing signature on Certificate at point A and on affidavit at point B and C respectively.

22. During cross examination by Ld. counsel for accused, witness replied that

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he had signed Certificate Ex. CW6/A after reading and understanding its contents and he prepared Certificate himself. Witness replied that he do not know the difference between Indian Standard Time or Pacific Time. Witness further replied that he cannot say if the time and date mentioned on the tweet are as per Pacific Time and not Indian Standard Time. Witness further replied that he cannot say as per Indian Standard Time, the tweet Ex. CW1/11 was published on 14.10.2018. Witness further replied that he took out the prints of the tweets as well as links on being asked by the complainant.

23. After the post notice evidence, the statement of accused Priya Ramani was recorded U/s 313 Cr.PC in which all the incriminating evidence were put and explained to accused. Accused Priya Ramani opted to lead defence evidence.

24. In defence evidence, accused Priya Ramani herself examined as DW1 and also examined Ms. Niloufer Venkatraman as DW2 and Ms. Ghazala Wahab as DW3.

25. **DW-1 Priya Ramani** deposed that she has been a Journalist for 25 years. She further deposed that she did her Bachelor from Psychology St. Xavier College, Mumbai and graduated in the year 1991. She deposed that in August 1991, she went to USA for her Masters in Journalism at Temple University, Philadelphiea. She deposed that her Degree in Journalism is Ex. DW1/A. She deposed that she returned and worked at many news organizations as Journalist. She deposed that her first job was at The Asian Age from January to October 1994. She deposed that she joined International News Agency, Reuters as an Equities Correspondent covering South Asian Stock Markets. She deposed that thereafter, she became Deputy Editor of ELLE, a Life Style Magazine. She deposed that thereafter, she became Editor of Cosmopolitan Magazine in the year 1999 and thereafter, she joined Indian Express as Associate Editor and National Features Editor. She deposed that in the year 2007,

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she was part of the team of founding Editors of Mint newspaper where she worked for eight years first as Editor for Mint Lounge-The Weekend Newspaper and then with the additional title of Deputy Managing Editor. She deposed that after Mint, she joined Digital Publishing Starter, Jeuggernaut. She deposed that these days she writes a Weekly Column for Mint Lounge, contribute to Vogue Magazine and write for many other news websites. She deposed that she lives in Banglore alongwith her family. She deposed that she came back from USA in November 1993 and began looking for job in Journalism. She deposed that she heard M.J Akbar, a famous editor whom she had grown up reading and who was one of her professional heroes, was starting an international daily newspaper. She deposed that she went to the Asian Age office, in Prabha Devi Mumbai to hand in her resume and check, if they had any vacancy. She deposed that it was about a month after she returned i.e. in mid December. She deposed that complainant Mr. Akbar happened to be visited that day from Delhi and she met him who asked him to come to the Oberoi Hotel for an interview at 07.00 pm on the same day and she said OK and left. She deposed that she got a bus back to her home in South Bombay which was close to the Oberoi. She deposed that she called her friend Niloufer Venkatraman. She deposed that Niloufer Venkatraman and witness had met in 1988 at the evening course in Mumbai and they become friend and had stayed friends since then. She deposed that when she went to Temple University, she stayed with Niloufer Venkatraman before she found accommodation. She deposed that Niloufer Venkatraman was doing her Ph.D at Temple University at the same time and they met there often and they came back to Mumbai together on November 13th 1993. Witness produced the copy of Passport with entries dated 13.11.1993 as Ex. DW1/B. She deposed that Niloufer Venkatraman used to work out of her mother's Travel Agency, Cosmos Travel at Nariman Point, five minutes from Oberoi Hotel. She deposed that she called Cosmos Travel's Landline and asked her if she could meet the witness at 6.00 pm to help her to prepare for interview. She

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deposed that Niloufer Venkatraman agreed and witness took a bus to Nariman Point and reached Cosmos Travel at 6.00 pm. She deposed that they walked out to the marine drive, sea phase and discuss possible interview questions and salary expectation of the witness. She deposed that Niloufer Venkatraman even discussed her on current affairs and at 7.00 pm she dropped the witness to the Oberoi. Witness deposed that when she reached the lobby, she looked around expecting to see complainant in the lobby. She deposed that she could not spot him so she asked the reception to connect her to the complainant. She deposed that complainant came on the line and asked the witness to come up to his room. She deposed that she was silent, hesitant. She deposed that complainant reiterated that she should come up to his room. She deposed that was not what she expected. She deposed that she thought interview would be in the Coffee Shop or in the lobby. She deposed that she was 23 years and she did not have confidence to say 'No', I will wait for you in the lobby'. She deposed that she did not feel like she could dictate the terms of interview. She deposed that she was uncomfortable but she went up and rang his room bell. She deposed that complainant answered and she entered the room. She deposed that the room was his bedroom. She deposed that it was a small, enclosed. She deposed that the bed was turned down for night and there was small two seater sofa near the bed. She deposed that there was a big window and she could see, it was a sea facing room. She deposed that there were two chairs and a small table adjacent to the window and they sat there. She deposed that she felt ill at ease to be in such an intimate space for a professional interview. She deposed that she was actually aware that she was alone in that room with him. She deposed that complainant asked her why she had gone to US to study Journalism and she replied that it was her dream to be a Journalist, that this job was important to her, especially since it was her first job. She deposed that complainant asked her many personal questions. She deposed that complainant wanted to know if witness was married. She deposed that she said 'No'.

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She deposed that complainant wanted to know if witness had a boy friend and witness replied him 'No'. DW1 deposed that complainant asked her many questions about her family and she replied to him that her parents were keen to have an arrange match. She deposed that complainant offered her an alcoholic beverage from the Mini Bar to which witness refused. She deposed that complainant got up and made himself a drink. She deposed that she think it was Vodka. She deposed that complainant asked her about her musical preferences to which she replied and then complainant started singing Old Hindi Songs to her. She deposed that she felt extremely uncomfortable at all those inappropriate personal questions. She deposed that complainant did not discuss about her writing skills, knowledge of current affairs or any other Journalism related questions. She deposed that complainant moved to the small two seater sofa next to the bed and gestures to the witness to come sit in the tiny space next to him. Witness deposed that she was already feeling un-nerved by his inappropriate behaviour and at that time she was concerned for her physical safety. She deposed that she knew she had to leave the room immediately and she got up and said she had to leave. She deposed that as she was leaving, complainant said his office would follow up about the job. She deposed that she got a taxi home and later that night from her landline, she called Niloufer Venkatraman at her home landline and told her what had happened. She deposed that Niloufer Venkatraman was shocked to hear about Akbar's behaviour. She deposed that she told her that she could not tell her parents because they would ask her to refuse the job offer if she got it. She deposed that she would have to give up a dream of being a Journalist. She deposed that they discuss whether she should even accept the job, if she got it, with such a man at the helm of this organization. She deposed that with their limited experience and the enthusiasm of the youth, they reasoned that it was a newspaper there would be many employees and the editor would be a busy man, who would not have time for new reporters. She deposed that she swore, she would not be in a room alone with him again. She

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deposed that she was offered a job in Delhi office of the Asian Age as a Correspondent and she began in January 1994. She deposed that after ten days working in Delhi office, she asked the news editor for a transfer to Bombay. She deposed that she was not able to find a good accommodation and she thought she could save the rent by living with her parents. She deposed that the transfer was accepted immediately and she moved to Bombay and within a fortnight of joining The Asian Age, she was working in Bombay office. She deposed that she never met Mr. Akbar alone in Delhi office or the Bombay office earlier. She deposed that they always interacted in edit meetings or with the whole office when he visited Bombay. Witness produced her Visiting Cards of Asian Age as Ex. DW1/C and Ex. DW1/D. She deposed that she left in ten months to join Routers. She deposed that she never worked with Mr. Akbar even again. DW1 deposed that she wrote article Ex CW1/9. She further deposed that Vogue features editor Shahnaz Siganporia called her and asked if she could write an article about the behaviour of male bosses in the context of American Me-Too Movement and allegations against Hollywood producer Harvey-Weinstein, which ranged from calling women to his hotel room and multiple allegation of sexual misconduct and rape. She further deposed that while researching the article, she could not help but to remember her personal story of her First Male Boss and so she began the article with her M.J Akbar story. She deposed that she never named him. She further deposed that first four paragraphs Mark from point X to X of the article Ex. CW1/9 were a brief account of what had happened at the Oberoi Hotel in 1993. She deposed that the rest of the article was about the behaviour of a certain type of male boss in general and specific allegation against the producer Harvey-Weinstein. She further deposed that the portion of in quotation Mark referred to specific allegation against Harvey-Weinstein made by many women and she mainly read four articles about sexual-harassment charges against Harvey-Weinstein and these allegations were sourced from there. She deposed that those articles appeared

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in New Yorker, the New York Times and variety. She deposed that she read articles Marked as Mark B1 to B4 and Certificate U/s 65-B of The Indian Evidence Act (Ex DW1/E to Ex. DW1/H). She deposed that the words in her article Ex. CW1/9 from point C to C- " Watch Me Shower" " Can I Give You Massage?" " A Shoulder Rub?" " I am ready for my blow job". " Are You Married" are based on the article Mark B1 at portion A to A, wherein it was written - " Give her a Massage or She could watch me shower, she recalled in an interview". She further deposed that in the same article Mark B-1, there is a reference of- " He suggested a Shoulder Rub", in Mark B-2, there is a reference to- " Forcibly Performing Or Receiving Oral Sex". These were the articles Mark B to B4 are the articles which she relied on to write about the allegations against Harvey-Weinstein in article Ex. CW1/9 at portion Y to Y. She deposed that she wrote the tweet Ex. CW1/8 and almost exactly a year after her Vogue Article, the Me-Too Movement began gaining momentum in India on twitter. She further deposed that actor Tanu Shri Dutta accused a colleague of sexual-harassment at work place and after that, many women from the fields of film, entertainment, Stand up comedy began naming the people who had sexually harassed them at the work place. She further deposed that she saw and read all their tweets on the twitter and newspaper articles that followed. She deposed that on 05.10.2018, journalist such as Sandhya Menon and Anoo Bhuyan called out editors they had worked with. She further deposed that on 06.10.2018, she saw a tweet from the Force Magazine editor Ghazala Wahab asking when the flood gets would open about Mr. Akbar. She deposed that on 07.10.2018, she saw that author, Shunali Khullar Shroff had replied to Ghazala Wahab tweets saying she too had been wondering the same. She deposed that on the same day, a journalist she worked with, Prerena Singh Bindra, a former member of Wild Life Advisory Board of Government of India tweeted about " A brilliant, filmboyant Editor", who had called her to his hotel room late at night in her first job. She deposed that the tweet of Ghazala Wahab are marked C with relevant portion A to A. She deposed that

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the tweet of Shunali Kullar Shroff are mark C with relevant portion B to B. Witness produced the Certificate U/s 65-B of The Indian Evidence Act regarding the document Mark C Ex. DW1/I. She deposed that tweet of Ms. Prerena Singh Bindra is Mark L with relevant portion A to A and supporting Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/J. She deposed that seeing all those women, she felt compelled to speak up about her experience with complainant M.J Akbar in the year 1993 and so she removed anonymity that she had given to complainant Mr. Akbar in her Vogue Article, one year ago and named him as the editor who had sexually harassed her. She deposed that she tweeted linking to her Vogue Article. She further deposed that she tweeted that she began this piece with her M.J Akbar story. She further deposed that she had already explained that only first four paragraphs of Vogue Article were about the 1993 incident. She deposed that she never named him because he did not "do" anything. She deposed that she used inverted commas to denote sarcasm. She deposed that sexual-harassment can take many forms. It can be physical, verbal. She deposed that saying he did not "do" anything, she was honestly disclosing that there was no overt physical attack. But that did not excuse complainant Mr. Abkar's Sexually coloured behaviour. Over the years, many of her colleagues and Ex-colleagues had shared similar or significantly worse stories of their experience of sexual-harassment at the hands of complainant Mr. Akbar. She deposed that her tweet was highlighted the fact that generally sexual misconduct used to be normalized by people unless it results in physical assault, people do not take it seriously. She deposed that she used the word predator in the context of her personal experience with complainant and the shared experiences of many other women. She deposed that she also used the word to emphasis and highlight the difference in age, influence and power between complainant Mr. Akbar and witness/accused. She further deposed that she was young journalist at that time and complainant was a famous editor, 20 years older than the witness who called to the witness to his bed room in the hotel for a job

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interview. She deposed that a predator is more powerful than his prey. She deposed that on the same day on 08.10.2018, she received two whatsapp messages on her cell phone at about 9.20 pm and 9.46 pm from Niloufer Venkatraman. DW1 also produced the message as Ex. DW1/A from point A to B and Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/L. She deposed that the term "T" in the message is the 12 years old daughter of Niloufer Venkatraman. She deposed that after 08.10.2018, she again tweeted on 10.10.2018 Ex. CW1/10. She deposed that she tagged ten women who had spoken against complainant in her tweet. She deposed that after Ghazala, Prerena, Shunali and she tweeted about complainant. She deposed that many women shared their experiences of sexual-harassment by complainant and some women replied immediately to the tweet of the witness/accused, other wrote their articles on news websites. She deposed that many women tweeted and some used other social media platform to share their stories. She deposed that the women are namely Shuma Raha, Shutapa Paul, Ghazala Wahab, Harinder Baweja, Ruth David, Majlie-De-Puy Kamp, Saba Naqvi, Kadambhari Murali Wade, Kanika Gehlaut, Pallavi Gogoi, Tushita Patel, Suparna Sharma and Swati Gautam. She deposed that woman namely Prerena Singh Bindra tweeted again naming Mr. Akbar. She produced the tweet of Harinder Baweja as Mark D with supporting Certificate U/s 65-B of The Indian Evidence Act as Ex DW1/M, the tweet of Shuma Raha Mark E and F with supporting Certificate U/s 65-B of the Indian Evidence Act as Ex DW1/M and Ex. DW1/O. She also produced the tweet of Shutapa Paul Mark G with supporting Certificate U/s 65-B of the Indian Evidence Act as Ex DW1/P. She also produced the tweet of Kadambhari Murali Wade Mark H with supporting Certificate U/s 65-B of the Indian Evidence Act as Ex DW1/Q. She also produced the article of Ghazala Wahab Mark I and J with supporting Certificate U/s 65-B of the Indian Evidence Act as Ex DW1/R & S. She also produced article of Aman Sethi and Betwa Sharma Mark K with supporting Certificate U/s 65-B of the Indian Evidence Act

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as Ex DW1/T. She also produced article of Pallavi Gogoi published in Washington Post Mark M with supporting Certificate U/s 65-B of the Indian Evidence Act as Ex DW1/U. She deposed that the tweet Ex. CW1/11 was written by her on 14.10.2018 and not on 13.10.2018. She deposed that on 14.10.2018, she found out through media report that complainant had returned from his foreign tour and by that time more than 12 women had spoken up about complainant. She deposed that she read in a tweet and article by First Post that complainant Mr. Akbar had handed his resignation hence she tweeted Ex. CW1/11. She deposed that later on, the news turned out to be false and complainant resigned a few days later. She deposed that the tweet of 14.10.2018 is Ex. DW1/V with supporting Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/W. She deposed that on the next day, the Bruhan Mumbai Union of Journalist and network of women in media wrote a statement addressed to the President and to the Prime Minister while supporting to the witness. She produced the statement Mark DW1/X with supporting Certificate U/s 65-B of The Indian Evidence Act as Ex DW1/Y. She deposed that she learn through media report that complainant had filed a criminal defamation against her and she issued a statement and posted the same on her twitter account. She produced her statement as Ex. DW1/Z with supporting Certificate U/s 65-B of The Indian Evidence Act as Ex. DW1/Z1. She deposed that on 16.10.2018, she read that 20 women who had worked at the Asian Age from 1993 to 2011 had written a statement saying that they are willing to testify on her behalf. She deposed that the article contained the self statement Mark DW1/Z2 with Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/Z3. Witness also produced the Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/Z4 qua the document Mark N. Witness also produced the Certificate U/s 65-B of The Indian Evidence Act Ex. DW1/Z5 in respect to the document Ex. CW1/D-B. She further deposed that she spoke the truth when she disclose her experience of her first job interview in the Vogue Magazine and her tweet dated 08.10.2018. She further

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deposed that it was important and necessary for the woman to speak up about sexual-harassment at work place. She deposed that many of them are brought up to believe that silence is a virtue. She deposed that in all her disclosure pertaining to complainant, she spoke the truth in public interest and for the public good and it was her hope that disclosures were part of Me-Too Movement that would empower women to speak up and to better understand the rights at work place. She deposed that the present case has come at great possible costs to her. She deposed that she had gained nothing from it. She deposed that she is a well regarded and respected journalist and live a quite life with her family in Banglore. She deposed that it is not easy for a woman to make such disclosures and by picking silence she could have avoided subsequent targated but that would not have been the right thing to do.

26. During cross examination by Ld counsel for complainant, witness replied that there were many journalists whom she admired when she was pursuing her studies. She further replied that from January 1994 till October 1994, in the first ten days when she worked in Delhi, the people had not launched there and she did dry runs and she attended many political press conferences. She replied that she had not written any article in Delhi office and when she moved to Bombay, she was a business journalist. She replied that she wrote many articles about Bombay Stock Exchange where stock brokers had gone on strike. She replied that she had a report every day on the Stock Exchange during that time, January 1994 till October 1994 and she wrote atleast one article every day. She replied that she worked at Routers for about three and half years and she used to do multiple daily stock reports and weekly stock market trend report. Witness stated that she do not remember the date of joining Routers and she voluntarily explained that she joined immediately after leaving Asian Age in October 1994. Witness replied that she do not have any appointment letter for Asian Age and she received appointment letter after a couple of day after meeting with complainant. Witness replied that she do not remember the exact date of appointment

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letter however, it was in 2nd or 3rd week of December 1993. She replied that she met Rauf Ahmed in Asian Age, who was the Bureau Chief in Bombay and he gave Appointment Letter to her. She replied that she do not remember the exact date of joining Elle Magazine or any other organization. In reply to the name of her article written in Elle magazine, she stated that she do not have names of articles right now. She replied that she wrote an article titled " Edit Note" in every issue of Cosmopolitan Magazine when she was the editor. Witness replied that she finished her course in June 1993 and did a fellowship at the Poynter Institute of Media Studies. She replied that she returned to Philadelphia and took some time out. She replied that she returned to Bombay in November 1993 and in those days there were not many job opportunity. She replied that she heard the Time of India paid journalist Rs. 1000/- and made them trainees no matter what their education qualifications and someone at the Xavier Institute of Communication told her that Asian Age was having, so she applied there first. Witness replied that she did not applied anywhere for job and she started with Asian Age. Witness replied that she do not know the exact detail of other well known publication houses for magazine and newspaper in India in the year 1993. She replied that Asian Age was a good opportunity to realize her dream of a journalist. Witness denied that she took up the job with Asian Age as no such interview in the circumstances as alleged by her had ever happened and witness further denied that she never applied in any other publication due to the same reason. Witness further denied that after more than two decades, she had maliciously and intentionally concocted this story to damage complainant's reputation. Witness denied that by publishing Ex. CW1/11, she published false news. Witness admitted that she termed it as a 'big victory' Ex CW1/11 and stated that her tweet Ex. CW1/11 was in response to the tweet and article by First Post News Website. Witness replied that she is not aware about the Indian Penal Code provision for sexual harassment since the date of its enactment in the year 1860. Witness replied that she is not aware that in the

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criminal law in India there has always been provisions for redressal for cases of sexual-harassment. Witness replied that she is aware about Vishaka Guidelines. Witness further replied that she is aware that sexual-harassment law came into effect in the year 2013. Witness further replied that she is not aware of other redressal mechanism for sexual-harassment prior to Vishaka judgment. Witness further replied that she remember that after the Nirbhaya's Gang Rape case in the year 2012, women did speak about violence against themselves and many women shared their stories of their childhood sexual abuse and harassment on the streets. She replied that many women spoke up after Nirbhaya's case and it may have been described as " found their voice" in the media report. Witness admitted that she had written article Ex. DW1/D-1 and at that time she had not made any allegation against complainant. Witness replied that she is aware that complainant became a Member of BJP in the year 2014 and became a Minister in July 2016. Witness replied that she made first time allegation only in October 2018 against complainant. Witness denied the suggestion that she had made allegations maliciously, deliberately in bad faith to malign the image of complainant in the year 2018. Witness denied that as per her article Ex. DW1/D-1, there were plenty of opportunities and existing platforms to speak out against any allegation of sexual-harassment against the complainant prior to 2018. Witness denied the suggestion that she did not make any allegation against complainant prior to 2018 as no such incident had ever happened. Witness denied the suggestion that she did not name the complainant in her article published in Vogue Ex. CW1/9 as nothing happened. Witness further denied the suggestion that she named complainant and attributed the article to him only as an after thought in her tweet Ex. CW1/8. Witness voluntarily stated that she tweeted that " I began the article with by M.J Akbar Story" which means that the first four paragraphs of the article were related to him and she had clarified. Witness admitted that in first paragraph of article Ex. CW1/9, the word "you" have been used by witness for complainant. Witness denied

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the suggestion that nowhere in her article Ex. CW1/9, she had made any clear distinction that Vogue Article Ex. CW1/9 had two distinct parts namely X to X and Y to Y and that only one of these allegedly refers to complainant. Witness further denied that nowhere in her tweet Ex. CW1/8, she had made any clarification or explanation that Vogue Article Ex. CW1/9 had two distinct parts Mark A to A and Y to Y and that only one of these refers to complainant. Witness admitted that she had not placed on record any other document after Ex. CW1/8 and Ex. CW1/9 clarifying the Vogue Article Ex. CW1/9 has two parts. Witness further denied that she had created artificial distinction for purposes of creating false defence in this defamation case. Witness denied the suggestion that article Ex. CW1/9, in its entirety referred to complainant. Witness denied that on plain reading of article Ex. CW1/9 refers only to a single person. Witness denied the suggestion that her tweet and article Ex. CW1/8 to Ex. CW1/9 lowered the reputation of complainant Mr. Akbar in the estimation of general public. Witness further replied that news item was picked up by many other main stream publications and that was her verification regarding publication of her tweet Ex. CW1/11. Witness admitted that the First Post news and her tweet Ex. CW1/11 was incorrect and she subsequently realized. Witness further replied that she published corrigendum under the tweet and further stated that said corrigendum is not on Court record and she can check it and if find it, she will produce it. Witness further stated that she can produce the said corrigendum after checking her twitter account if it is there. Witness admitted that tweet Ex. CW1/11 was an honest mistake. Witness further replied that she had not read the journalistic ethics and norms of Press Council of India 2010 edition which sets down journalist norms as mentioned in document Ex. DW1/Z6, however, she was aware of general ethics of the journalism. Witness admitted that as a journalist she was supposed to credit or acknowledge or mention the source in case she was using a quote or basing an article on the contents of someone-else writing for publication while publishing her own article and witness

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voluntarily replied that portion Y to Y of Ex. CW1/9 was her own writing. Witness admitted that she has not clarified subsequently that any part of Vogue Article Ex. CW1/9 was extracted from another article or source. Witness denied the suggestion that she has not given the source of article Ex. CW1/9 because the entire article was written in the context of a single male boss. Witness further denied that her article Ex. CW1/9 was intended to be read by everyone *in the context of a single male boss*. Witness further denied the suggestion that she did not give any clarification to the effect that it was not in the context of only a single male boss even in her subsequent tweet Ex. CW1/8, Ex. CW1/10, Ex. CW1/11 as her statement before the Court was an after thought to create a false defence. Witness denied to read the tweet Mark DW1/Z-7 or Mark DW1/Z-8. Witness replied that she deleted her twitter account a month ago so it cannot be verified whether the comments Mark DW1/Z-7 of Mark DW1/Z-8 are there or not. Witness denied the suggestion that comments and replies on her twitter account on her tweets show that Mr. Akbar's reputation was lowered by her tweet in the estimation of others who were following her tweets. Witness further denied that some of the comments in particular Ex. DW1/Z-7 and DW1/Z-8 also lowered the reputation of complainant in the eyes of others. Witness denied the suggestion that by deleting her twitter account, she has made it impossible for the complainant to produce and prove those comments which were responses to her tweets. Witness denied that by deleting the account during the pendency of the trial, she had interfered with the evidence of trial. Witness further denied that from the plain reading of her tweet Ex. CW1/8, no member of public can understand the word " do" as a sarcastic comment. Witness admitted that in her tweet Ex. CW1/8, she has nowhere mention that "do" was used as sarcasm. Witness denied the suggestion that her tweet Ex. CW1/8 was not sarcastic or that the interpretation given by her to the word "do" in her evidence was an after thought to create a false defence. Witness replied that she used the word predator, media's biggest sexual predator, as talented as predator as writer in Ex.

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CW1/8, Ex. CW1/9 and Ex CW1/10 to describe the difference in age, power and influence between complainant Mr. Akbar and witness. Witness denied the suggestion that she has maliciously made false allegations against the complainant and has tarnished his reputation in general public. Witness further replied that she has deliberately made false and malicious publication through article and tweet Ex. CW1/8 to Ex. CW1/11 with intention to defame the complainant knowing that they would be read by public. Witness further denied the suggestion that she wrote and publish said article and tweets knowing the same to be untrue and that they would harm the complainant's reputation. Witness denied the suggestion that till complainant joined BJP in the year 2014, she continued to admire his work and even publish tweets relating to him. Witness replied that she do not remember whether she ever re-tweeted any of her tweet published by complainant. Witness replied that she may have on 04.12.2010, re-tweeted a tweet of complainant. Witness admitted her tweet Ex. DW1/D-2. Witness denied that she has also on other occasions commented positively and tweeted about complainant's work. Witness denied that there were many positive tweets about Mr. Akbar in her twitter account and by the deletion of her account the same cannot be access on the date of her examination in the Court. Witness denied the suggestion that her publication were false, malicious and by those publications the complainant's reputation has been drastically lowered in the estimation of his friends, family and even in public. Witness denied the suggestion that her allegations were made for malafide and malicious motive. Witness further denied the suggestion that the allegations were not made for any public good or in the public interest. Witness replied that she do not remember the exact number of re-tweets and comments qua her tweet Ex. CW1/8, Ex CW1/10 and Ex. CW1/11 but they were more than a thousand. Witness denied the suggestion that she has deliberately de-activated her twitter account in order to destroy the evidence. Witness replied that she cannot say whether Vogue website has a large readership or that thereby Ex. CW1/9 was read

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widely. Witness denied the suggestion that by linking a Vogue Article Ex. CW1/9 to her tweet Ex. CW1/8, she widely circulated and disseminated the impugned article and the tweets Ex. CW1/8 to Ex. CW1/11. Witness denied the suggestion that she made the publication and tweets recklessly and without care or attention to the truth of her allegations. Witness denied the suggestion that she wrote the article and publish the tweets with intention to defame the complainant. Witness further denied the suggestion that she has not written the article or publish the tweets in good faith. Witness further denied the suggestion that article and tweets damaged the carrear and reputation of complainant. Witness denied the suggestion that publication of her article and tweets were not the legitimate subject of public discussion. Witness denied the suggestion that her publication Ex. CW1/8 to Ex CW1/11 were false. Witness denied the suggestion that she did not speak truth when she disclose her experience of her first job interview in Vogue Magazine and in her tweet dated 08.10.2018. Witness admitted that she has not produced the call record of landline from which she called Niloufer Venkatraman on her mother's office landline of the year 1993. Witness denied the suggestion that she had not produced the said calls as no such call was ever made by her to Niloufer Venkatraman. Witness admitted that she has not produced the call record of making any call to the home landline of Niloufer Venkatraman of the year 1993. Witness denied the suggestion that she has not produced the record as no call was made by her to her home landline number. Witness denied the suggestion that she has read the comments on her tweet Ex. CW1/8 on 08.10.2018 and anticipating that complainant may take legal action against her, she asked her friend Niloufer Venkatraman to send the WhatsApp message Ex. DW1/A to fabricate false evidence as she has been her close friend for past 30 years. Witness denied the suggestion that WhatsAPP message were pre-planned and pre-decided between witness and Niloufer Venkatraman for creating a false defence for possible legal action against her. Witness denied the suggestion that Niloufer Venkatraman send

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WhatsAPP message on her instruction as there were immediately numerous comments stating that witness would be sued. Witness denied the suggestion that she and Niloufer Venkatraman were in the knowledge of possible legal action even before she posted the tweet Ex. CW1/8 and that both pre-planned to fabricate false evidence. Witness admitted that she speak and communicated with Niloufer Venkatraman in the normal course of life being close friend since they become friend in the year 1988. Witness denied the suggestion that she spoke and communicated with Niloufer Venkatraman and pre-planned the WhatsAPP messages Ex. DW1/K to fabricate the evidence in support of her false defence. Witness denied the suggestion that screen shot of WhatsAPP message Ex. DW1/K is edited and the bottom of screen shot has been cropped otherwise the text box would have been visible at the bottom. Witness stated that she has seen the screen shot in her mobile phone which reflect the text box. Witness admitted that the text box has been not shown by her in Ex. DW1/K. Witness admitted that she cropped the word “Wah”. Witness denied the suggestion that affidavit U/s 65-B of The Indian Evidence Act, document Ex. DW1/L with regard to WhatsAPP message Ex. DW1/K is not as per provision of The Evidence Act. Witness further denied the suggestion that a screen shot was tampered with. Witness admitted that she has not mention the date when she took the screen shot Ex. DW1/K, the date on which she took the print out and the details of printer used by her in Certificate Ex. DW1/L. Witness denied the suggestion that she has not mentioned the procedure by which she took the print out. Witness denied the suggestion that she submitted false Certificate Ex. DW1/L. Witness admitted that a screen shot which was taken was store in gallery as photograph in .png/.jpeg format. Witness admitted that she has not filed on record any pen drive or CD containing the said photograph. Witness denied the suggestion that she could not find the corrigendum qua the publication Ex. CW1/11 as she never issued any clarification. Witness denied the suggestion that all the details of the alleged events described by her are the figment

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of her imagination and are a work of fiction. Witness further denied the suggestion that she had made allegation against the complainant for oblique motive and not to empower women. Witness the denied the suggestion that she had malafide and extraneous motives for making the allegations against the complainant. Witness denied the suggestion that her conduct as journalist had been unethical and irresponsible as she had neither identified her sources or attributed the credits. Witness denied the suggestion that it harm the reputation of the complainant. Witness denied the suggestion that her tweets and publication Ex. CW1/8 to Ex. CW1/11 had nothing to do with "doing the right thing". Witness denied the suggestion that she deposed falsely.

27. **DW-2 Ms. Niloufer Venkatraman** deposed that she lives in Mumbai with her family. She deposed that from 1992 to 1998, she was getting Ph.D degree in Anthropology from the Temple University, USA. She deposed that on 08.10.2018, late in the evening, she opened her twitter feed to find that her friend Priya Ramani had tweeted. She deposed that her tweet called out the sexual-harassment she had faced under complainant Mr. Akbar and referred one article she had written in the Vogue Magazine, a year earlier. She deposed that at that time she had not read the article Ex. CW1/9 but since she provided the link, she click on it and read the piece. She deposed that just a few days before that tweet Ex. CW1/8, she had been thinking about Priya and wondering if would call Mr. Akbar out as she was well aware of the interview because she was present on the very day with the accused Priya Ramani until a few minutes before the interview began and later that night, had talked to her at length and heard the details of her experience. Witness further deposed that she send a WhatsApp message to the accused Priya Ramani saying that she was thinking about her just two days before, about whether she would call out Mr. Akbar and witness expressed her support the accused Priya Ramani. Witness identified and

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produced the message Ex. DW2/A and Certificate U/s 65-B of The Indian Evidence Act as Ex. DW2/B. Witness deposed that the messages are still in her phone and she can saw it. Witness deposed that she also explained to her daughter about the Me-Too and what accused had spoken out on that day. Witness further deposed that in the year 1988, she had finished her bachelor degree and joined an evening course at the Xavier Institute of Communications and Priya had joined the same course and there they met and become friends. She deposed that in August 1989, she left India to study in the US and in 1991 she finished her Master but prior to that in August 1991, Priya/accused came to the same University to pursue a Master in Journalism and she stayed with witness for few weeks until she found accommodation. She deposed that in November 1991, she left the US and returned to India and thereafter, again in August 1992, she went back to US to pursue Ph.D Degree from the same University. She deposed that from August 1992 to November 1993, witness and accused preferably interacted. She deposed that in November 1993, accused had finished her Masters in Journalism and witness had finished the course work for Ph.D and they returned to India on 13.11.1993. Witness produced her copy of Passport Ex. DW2/C. Witness deposed that she and accused remained in touch telephonically and often met. She deposed that accused was keen to find a job in Journalism and was looking out for job opportunity. She deposed that witness also started some research work and writing up grant applications for her Ph.D field work research. She deposed that she worked out her mother's office at Nariman Point where there was a free cabin space that her mother allowed to use her. She deposed that her mother B. Vakatraman ran a Travel Agency called Cosmos Travel based at Arcadia Building at Nariman Point. Witness also produced the Visiting Cards Mark DW2/D. Witness deposed that one day, sometime in December 1993, accused Priya called her on her landline in the office and told her that she had earlier that day gone to the office of the soon to him launched newspaper Asian Age at Prabha Devi and there she had met with editor Mr.

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Akbar and he had told her to come to the Oberoi Hotel that evening at 07.00 pm for an interview. She deposed that since she was already at Nariman Point, so accused requested that they meet an hour before the interview so that she could help her preparation for interview. She deposed that about 06.00 pm, accused Priya arrived at her Mother's office and two of them walk out towards sea facing promenade opposite the Oberoi Hotel which was just three or four minutes away. She deposed that as they walked up and down, they discuss possible interview questions and salary expectations. She deposed that she did a kind of mock interview asking her current affairs questions that she imagine that accused Priya could be asked. She deposed that a few minutes before 07.00 pm, she walked her to the entrance of Oberoi Hotel and accused Priya went in and witness left to go home. She deposed that later that evening, actually much later, well after dinner time, accused Priya called her on her landline and accused sounded upset and distrought. She deposed that she asked to the accused why she sounded so upset and accused told her that the interview has not gone as they had expected. She deposed that, to began with, it was not conducted in the lobby or office of as they had expected and instead accused had been called up to Mr. Akbar's room where they were alone in the room and the interview was conducted. She deposed that witness recalled that accused went on describe the extremely uncomfortable details of what had happened a few hours earlier. Witness deposed that accused described the feeling extremely uncomfortable as complainant offered her an alcohol drink and was having a drink himself. Witness further deposed that accused also described him singing old Hindi Film songs to her, which sounded most unprofessional. She further deposed that at one point, accused narrated how complainant patted the surface next to him on a small sofa and asked her to come sit close to him. She deposed that the details which accused described were so bizarre and in appropriate that witness held picture of it in her mind to the date of her deposition in the Court. She deposed that is why, she message her

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immediately after seeing her tweet Ex. CW1/8 and article Ex. CW1/9. She deposed that the conversation that night continued for a long time and witness and accused discuss whether accused Priya should take the job at the Asian Age, if she was offered it. She deposed that accused asked her what witness thought and witness said that accused should take it. DW-2 further deposed that, in hind sight, she can see that it was in experience and naivete with which she said that. She further deposed that accused also confided in her that accused was not going to tell to her parents the uncomfortable details of interview as it would upset them. DW-2 further deposed that as it turn out, accused did get offered the job at the Asian Age office in Delhi and took it up. She further deposed that two weeks after, accused Priya went to Delhi and she called the witness to say that she had returned to Mumbai and would now work out of Asian Age office in Mumbai. Witness deposed that she knew accused Priya Ramani for 30 years and they remain close friends.

28. During cross examination by Ld. Counsel for complainant, DW-2 replied that she had not produced the call records of the office landline, which was being used at her mother's office in the year 1993. Witness denied the suggestion that she had not produced the said call records as no such call was ever been received by her from the accused. Witness admitted that she had not produced the call records of her home landline either of the year 1993. Witness denied the suggestion that no such call was ever received by her. Witness further replied that she is not very active on twitter and she often read but do not tweet. She deposed that her last tweet prior to October 2018, was probably a year before. Witness further replied that she had not read any statement of accused given before this Court. Witness replied that she had been following the case through media and she cannot say whether there had been verbatim reporting of the proceedings taking place in the Court in the media. Witness denied the suggestion that she has deposed before the Court on the same line as the accused after reading her evidence and on legal advise or that she is a tutored

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witness. Witness further replied that she do not believe that she had re-tweeted the tweet exhibit CW1/8 on the record. Witness further replied that she is not that familiar with the social platform so as to make that whether re-tweets would show on the account of accused on the twitter account. Witness after going through her twitter account on her mobile phone, further replied that she had not re-tweeted Ex. CW1/8. She further replied that on 15,16 and 17th October 2018, she re-tweeted some of the media reports pertaining to the present case on her phone. Witness further replied that she had re-tweeted on 18.10.2018 but it was not connected to the present case. Witness denied the suggestion that since accused had de-activated her twitter account, all her tweets which were re-tweeted by witness have become unavailable. Witness admitted that in her WhatsApp message Ex. DW2/A, she had stated " November/December 1993". Witness denied the suggestion that she has improved her statement in the Court by alleging " sometime in December 1993" after reading the statement of accused made before the Court. Witness denied the suggestion that she has sent the WhatsApp message Ex. DW2/A after discussing with the accused as there were immediately numerous comments on the tweet Ex. CW1/8 stating that she would be sued. Witness denied the suggestion that she had deliberately mention " November/December 1993" as " just two days back, I thought of it and wondered if you would" to fabricate false evidence in the anticipation that complainant may take legal action against the accused because of several comments to this effect. Witness further denied the suggestion that witness and accused were in constant touch even before Ex. CW1/8 and even before Ex. DW2/A (messages) telephonically or otherwise. Witness denied the suggestion that she and accused had pre-planned and conspired to create a false narrative for a defence against the complainant's possible legal action or that she had fabricated a false WhatsApp message Ex. DW2/A to create a false defence. Witness admitted that she knew when one text a screen shot on a phone, it is stored in png./jpeg format in the phones gallery as a photograph. Witness admitted

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that she had not filed any pen drive or CD with regard to the aforesaid photograph Ex. DW2/A. Witness admitted that she had not given the date in Ex. DW2/B when she took the screen shot of WhatsApp message Ex. DW2/A neither she had given the date on which she took the print out of the screen shot in Ex. DW2/B. Witness further admitted that she had not mentioned the procedure of taking the print out or the description of printer in Ex. DW2/B. Witness admitted that she had not personally witness or personally heard any interaction between complainant and accused with regard to the alleged incident and she further replied and explained that she dropped the accused to the hotel minutes before the interview began and accused called to the witness and narrated the entire details after the interview was over. Witness denied the suggestion that her entire version about the accused allegedly meeting to the witness at her mother's office is a false as no such meeting ever took place. Witness further denied the suggestion that her version about the accused calling her few hours later is a false as no such call of that nature was ever made to the witness as no such incident ever took place. Witness denied the suggestion that her entire version about receiving any call from the accused with regard to the alleged meeting with the complainant at the office of the soon to be launched " Asian Age" at Prabha Devi is a false as no such meeting took place. Witness denied the suggestion that no such alleged interview for meeting ever took place and for that reason accused and witness never mention or discussed her Vogue Article Ex. CW1/9 in 2017, when it was originally published. Witness denied the suggestion that she being one of the close friends of the accused, she deposed falsely at the instance of accused in order to support her false version. Witness denied the suggestion that she is a tutored witness.

29. **DW-3 Ms. Ghazala Wahab** deposed that she has been a Journalist for 25 years. She deposed that she grew up in Agra and did her schooling. She deposed that she graduated in Bachelor's in Journalism (H) from Delhi College of Arts &

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Commerce, Delhi University in the year 1992. She deposed that she enrolled for German Language Course from Max Muller Bhawan, Delhi from November 1992 to July- August 1995. She deposed that she joined the Asian Age newspaper as a Trainee Sub Editor in August 1994, Delhi office and she left the Asian Age newspaper as Chief Sub Editor in January 1998. She deposed that she joined the Telegraph newspaper in February 1998 as a Correspondent in Delhi office and left the Telegraph newspaper in March, 2003 as a Principal Correspondent. She deposed that in July 2003, she alongwith journalist and author Pravin Sawhney and former Vice Chief of Army Staff Lt. Gen. V.K Sood started Force magazine and since its beginning she had been its Executive Editor. She deposed that Force magazine is a monthly magazine on national security focused on defence, internal security and Aero-Space. She deposed that she had also contributed a Chapter on Insurgency in Jammu & Kashmir in 2003 in a book "Operation Parakram: The War Unfinished". She further deposed that she had also co-authored a book called " Dragon on our Doorstep: Managing China through Military Power". She further deposed that she had also written articles in newspapers like The Times of India, The Indian Express, The Pioneer and The Online Portal " The Wire". She deposed that she has been the first person in her family to step out of Agra for higher education and to pursue carrear. She deposed that she was the first woman in her family to pursue a carrear. Witness deposed that when she joined Asian Age, she was reporting to Mr. Kaushik Mitter and later she was transferred to the Features Section where she reported to Ms. Poonam Saxena, the Features Editor. She deposed that after Poonam Saxena, she reported to Ms. Meenal Baghel. She deposed that the Asian Age office at that time was on the second floor of the Surya Kiran building, K.G Marg and in the middle of 1996, the office was shifted to Vandana Building on Tolstoy Marg due to renovation of Surya Kiran Building. She deposed that in the renovated office, Mr. M.J Akbar, the bureau and Features Section was located on the second floor and the rest of the office alongwith editor Mr. Shekhar

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Bhatia started to work from the fourth floor. She deposed that this was spacious office and Mr. M.J Akbar's room in this office was nearly 300 Sq. Feet. She deposed that at that time, she was promoted as Chief Sub Editor of Features Pages and for the first time, she was reporting directly to Mr. Akbar. She deposed that her desk was placed right outside to the complainant's office in such a manner that if the door to complainant's room was left slightly opened, complainant could watch her at her desk. She deposed that many times, she was working on her desk top computer, when she looked up from her screen, she found Mr. Akbar watching her. She deposed that whenever complainant had visited in her room, he used to keep the door shut, however, when he was alone, he often left the door slightly opened. She deposed that then complainant started sending her personal messages on the Asian Age internet messaging service. She deposed that those messages pertain to her clothes and her appearance. She deposed that internet messaging was a private server based messaging service. She deposed that the messages send on this remain private between two people. She deposed that they were not stored anywhere on the server and were deleted on their own. She deposed that sometimes in August-September 1997 in the afternoon, Mr. Akbar called to the witness to his room and when she went inside, complainant asked to the witness to shut the door. She deposed that then complainant asked to the witness to look up a word in a dictionary which was placed on a low three legged stool across his desk. She deposed that the dictionary was placed so low that one had to either bend down or squat. She deposed that as she squatted to look into the dictionary, Mr. Akbar came up behind her quietly and held her by her waist. She deposed that she was shocked and stumbled, almost loosing her balance. She deposed that Mr. Akbar helped her to her tweet and put his hand from her breast to her lips. She deposed that she was numbed with the fear and shock. She deposed that not only the door was shut, his back was blocking it. She deposed that, complainant started to rub his thumbs on the sides of her breasts. She deposed that

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she continued to push against the complainant and finally complainant released her and she ran out of his office into the toilet to cry. She deposed that the enormity of that violation and humiliation overwhelmed her completely. She further deposed that on the next day, Mr. Akbar send her a message on the internet asking her to come inside. She deposed that she knocked and entered, he was standing close to the door and before witness could react, complainant shut the door, trapping the witness between the door and his body. She deposed that she immediately flinched and complainant held her by her shoulders and bend to kiss her. She deposed that she ran out of his office crying, down to the stairs, outside the Surya Kiran Building to the parking and finding a lonely spot there, she sat on the pavement and continued to cry. She deposed that her colleague Sanjari Chatterji who had seen her run out of his office crying followed her to the parking and she came and sat next to her and asked her gently what had happened. She deposed that she told her everything. She deposed that Sanjari Chatterji suggested her that she should go back to the office and a speak with Seema Mustafa who was the Bureau Chief and Seema may able to help. She deposed that they returned to the office and witness went to the Seema's cubical and told her that Mr. Akbar had been behaving badly with the witness for sometime and that Mr. Akbar forcibly kissed her today. She deposed that she was hoping that Seema would offer to speak with Mr. Akbar and confront him about his behaviour but Seema said she was not surprised at Mr. Akbar's behaviour but there was little she could do about it. She deposed that it was entirely her call that she had to decide what she wanted to do. She deposed that at that time she was 26 years old and was alone, confused, helpless and most importantly petrified. She deposed that Asian Age had no mechanism to listen the complaints of sexual-harassment and there was no internal redressal mechanism, no sexual-harassment policy or Committee that would hear the complaints from woman journalist. She deposed that she was on her own. She deposed that at that time, Mr. Akbar the Editor-In-Chief of the Asian Age was also

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Member of Parliament and a former spoke person of Indian National Congress. She deposed that she believed that going public about her complaint or even thinking about the police were not an option, given Mr. Akbar's power and cloud. She deposed that in any case, the work place in 1997, was very different from the work place today. She further deposed that woman journalists were not encouraged to complain about their male colleagues or bosses. She deposed that her whole life loomed in front of her. She deposed that in the past few years, she had fought protracted battles at home to be able to live and work in Delhi. She deposed that woman from her family only studied, they never work and in any case, in a small town business families, woman settled for arrange marriages. She deposed that after meeting with Seema Mustafa, she came back to her desk and having realized that she was on her own, she did what appeared to her the only possible solution at that time. She deposed that she send a message to Mr. Akbar on internet telling him that she held him in high regard as an author and writer, but his unwelcome sexual advantage were unacceptable to her. She deposed that she told to the complainant that she did not want him to behave like that with her again. She deposed that Mr. Akbar immediately send a message back asking her to come inside and she went in thinking that he would apologize, but instead he lectured on how, she was humiliating him by rebuffing his genuine emotions towards her. She deposed that, that evening, on her way back home, she realized that she had to look for another job and quit the Asian Age as soon as possible and thereafter, she applied a number of places like India Today, The Outlook, The Telegraph, but it was difficult to find a job easily and quickly. She deposed that her financial situation did not allow her to quit without finding another job so she continued working but in the meanwhile, Mr. Akbar's behaviour did not change. She deposed that complainant would often call her to his office but having learnt from her past experience, she started employing various tactics to keep him away. She deposed that she would stand up at the door way keeping the door open with her hand

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on the door knob. She deposed that complainant noticed that and sometimes he used to walk over to the door, shut it, sometimes he would put his hands on her hands or press his body against witness or try and kiss her. She deposed that whenever, he did any of this, she would push him away and escape from his room. She deposed that then her friend and colleague Sanjri Chatterji came up with a plan and every time, when witness was called by Mr. Akbar, Sanjri Chatterji would follow to the witness inside on some pretext or other and this happen for few times. She deposed that she do not remember the exact dates because more than two decades have passed, but she remember that it started sometimes in August-September 1997 and continued till December 1997. She deposed that apart from Sanjri she had shared her ordeal with her colleague Meenakshi Kumar and Jonali Buragohain. Witness deposed that Mr. Akbar's Private Secretary Ms. Rachna Grover also came to know about her harassment by Mr. Akbar and privately offered support. She deposed that sometimes, in November 1997, Mr. Akbar send Ms. Veenu Sandal to speak with the witness and Ms. Veenu Sandal was a Tarot Card Reader and she used to write a Weekly Astrology Column in the Asian Age. She deposed that Ms. Veenu Sandal told her that Mr. Akbar was in love with the witness and that she should stop resisting him and give him a chance. She deposed that she was disgusted with both Mr. Akbar and Ms. Veenu Sandal. DW-2 further deposed that in December 1997, she had still not heard from any of the places she had applied to and interview for in October and November and sometime in second week of December 1997, Mr. Akbar told her that he wanted to shift to the witness to the about to be launched edition of Asian Age from Ahmadabad as a Features Editor. She deposed that complainant told her that she would be given an apartment there and everything would be taken care of by the company and he added that whenever he would come to Ahmadabad, he would stay with the witness. She deposed that, that was the tipping point and she resolved that she would not go to Ahmadabad and will quit the Asian Age even though she would pretend that she was

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preparing to leave for Ahmadabad. She deposed that over the next two weeks, she cleared her desk slowly, by taking her books and notes home one at time. She deposed that in the first week of January, the day before she was to take flight to Ahmadabad, she left the office with an envelope with her resignation in it and she gave the envelope to Rachna Grover, Mr. Akbar's Secretary with request that she would hand over the same to Mr. Akbar only the following day. She deposed that on next day, instead of taking the flight, she stayed at home. She deposed that Mr. Akbar called her on her home phone number in the evening and having discovered that she had resigned and had no intention to go to Ahmadabad, he was furious. She deposed that she told him that her resignation was final however, she was scared that he may come to her house as her home address was there in the office records. She deposed that she spent a sleepless night and boarded the Taj Express at 07.00 am from Hazrat Nizamuddin Railway Station for Agra and brought the ticket at the station. She deposed that when she reached her home, she told her family that she was taking a break and she could not have told then anything else. She deposed that, had she mentioned to them that she was sexually harassed at the Asian Age, they would have surely made him to quit her job and stay back in Agra. She deposed that, that would have been the end of her carrear. She deposed that in meanwhile, when she was in Agra, she heard from The Telegraph, they offered her the job of Correspondent at Delhi office asking her to join from February 1998 and she accepted the offer and returned to Delhi in the end of January 1998. She deposed that between 1998 to 2018, she did not write about this or quit about it as she wanted to put it behind her. She deposed that the things changed in 2018, the Me-Too Movement gained popularity in India, Woman from across the professions were talking about sexual-harassment they had faced at their work places on social media. She deposed that women from a media had also started to talk about their experiences, they were also naming the colleagues or bosses who had harassed them. She deposed that nobody

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had spoken about Mr. Akbar till then. She deposed that over the years, few women had shared their experiences of sexual-harassment by complainant with the witness just she shared her experiences with them. She further deposed that she mustered courage and tweeted from her twitter handle on 06.10.2018 Ex. DW3/A as " I wonder when the flood is would open about M.J Akbar" and witness also produced the Certificate U/s 65-B of The Indian Evidence Act qua the document Ex. DW3/A. She deposed that after her tweet her former colleague from Asian Age Sonali Khullar Shroff tweeted from point X to X1 and few other journalists also tweeted like Priya Ramani, Prerena Singh Bindra and Suma Raha. She deposed that on 09.10.2018, her friend and colleague from Asian Age Meenakshi Kumar send her a whatsapp message saying that " she was wondering are not the witness going to tell her Akbar story?" and she replied to her that she was thinking about it. Witness produced the print out of the screen shot of the said whatsapp message as Ex. DW3/B with supporting Certificate U/s 65-B of The Indian Evidence Act. Witness deposed that the said whatsapp messages were still in her phone. Witness further deposed that she was not trying to prosecute or to see legal remedies against complainant Mr. Akbar and she was still not looking at legal remedies against complainant but she felt that Me-Too Movement had given women a safe platform outside legal frame work by which they could un-burden themselves and share their workplace ordeal. She deposed that she felt that since the Me-Too Movement had given her courage, her account would give courage to other women and help them find their voices too. She further deposed that she wrote the article titled as *"M.J Akbar Minister and former editor sexually harassed and molested me"* and that appeared on 10.10.2018 in "The Wire" print out of which Ex. DW3/C with supporting Certificate U/s 65-B of The Indian Evidence Act. She deposed that after the publication of her article, few of her friends and colleagues from The Asian Age wrote her expressing solidarity and support. She deposed that those included Sanjri Chatterji who was the first person to learn about witness harassment.

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She deposed that Jonali Buragohain wrote on face book on a post by Hamida Rafeeqa Saeed (earlier called as Hamida Parker) sharing the article of the witness which bears comments made by the witness from point Z to Z1 of Mark DW3/X with supporting Certificate U/s 65-B of The Indian Evidence Act. She deposed that Jonali later on send her the message on face book messenger and witness thanked Jonali for her support. Witness produced the screen shot of face book messenger Ex. DW3/B with Certificate U/s 65-B of The Indian Evidence Act. Witness deposed that Rachna Grover had also posted a message on a whatsapp group of which witness was part saying that she was aware of Ghazala's incident and it is correct, the screen shot of the messages of witness whatsapp group was produced by witness as Ex. DW3/E with supporting Certificate U/s 65-B of The Indian Evidence Act. Witness deposed that all the messages were available on her phone on the date of her examination. She deposed that complainant Mr. Akbar had issued a statement on 14.10.2018, rebutting the allegation made by witness against him and other women. She further deposed that she wrote an article refuting Mr. Akbar's rebuttals on her story and the same was published on 15.10.2018 in “The Wire” as Ex. DW3/F with supporting Certificate U/s 65-B of The Indian Evidence Act.

30. During cross examination on behalf of the complainant, DW3 replied that she was not aware about the provision in the Indian Penal Code regarding sexual-harassment since its enactment in the year 1860. Witness replied that she was aware about the pronouncement of judgment titled as Vishaka Vs. State of Rajasthan by Hon'ble Supreme Court of India and in the August 1997 and at that time she was working in Asian Age. She replied that she was aware about the sexual-harassment at workplace as a news item but did not know about the implication it will have at the workplace. Witness replied that she was not aware about the said judgment was pronounced in the terms of CEDAW Convention which was recognized in India. She further replied that as a Journalist, she was aware that in the year 2013, The Sexual-

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Harassment of the Women At The Work Place (Prevention, Prohibition & Redressal) was enacted. Witness denied the suggestion that she did not make any complaint against complainant as the fact stated by witness in her examination in chief were false and fabricated. Witness further denied the suggestion that her articles Ex. DW3/C and Ex. DW3/F were false and fabricated. Witness further denied the suggestion that her tweet Ex. DW3/A was false and fabricated. Witness denied the suggestion that even before The Me-Too Movement gained momentum in India, there were existing sufficient platform to redress the grievances of sexual-harassment at workplace. Witness denied the suggestion that averment made by witness from point A to A were false and fabricated as no such incident or event ever happened. Witness denied the suggestion that the details of events as claimed by witness are a work of fiction. Witness denied the suggestion that she had maliciously concocted a story to damage complainant's reputation even though she had left The Asian Age in the year 1998. Witness denied the suggestion that she made allegations /statements against the complainant for oblique motives. Witness denied the suggestion that she had gained the publicity by making allegation against the complainant. Witness denied the suggestion that her affidavit regarding Certificate U/s 65-B of The Indian Evidence Act with regard to screen shot of whatsapp messages as claimed by her are not as per the provision of the Indian Evidence Act. Witness denied the suggestion that her affidavit regarding Certificate U/s 65-B of The Indian Evidence Act with regard to the print out of the articles were not as per the provision of the Indian Evidence Act. Witness denied the suggestion that the alleged chat group and its participants had been fabricated and created falsely to damage the reputation of the complainant. Witness further denied the suggestion that her article published in “The Wire”, was a false narrative put forth intentionally to damage the reputation of the complainant and support the cause narrated by the accused. Witness denied the suggestion that she was actuated by malicious and had done the same in the malicious manner. Witness denied the

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suggestion that she had made the allegation against the complainant in public when the complainant become Minister in the BJP Government in the year 2018 in order to damage his political carrear. Witness denied the suggestion that complainant has done a good work as a Minister of State for External Affairs. Witness denied the suggestion that she deposed falsely at the behest of the accused to damage the reputation of complainant and to support false defence of the accused.

31. After defence evidence, matter was fixed for final arguments.

32. Both the parties advanced their arguments at length and both the parties have also filed the written submission.

33. It is submitted on behalf of the complainant that the reputation of the complainant was built up by him by life time hard work, dedication and the reputation of the individual is more dear to him then his or her life as recognized by the Courts in India. It is further submitted that complainant is a Veteran Indian Journalist, author of several renounced books, a Member of Parliament and at the time of publication of the defamatory material by the accused Priya Ramani, he was Minister of State in External Affairs in the Government of India. It is further argued on behalf of the complainant that complainant filed complaint Ex. CW1/9 against the accused Priya Ramani regarding her offending and defamatory articles and tweets published and disseminated by her Ex. CW1/8 to Ex. CW1/11. It is further submitted that publication of the article Ex. CW1/8 to Ex. CW1/11, by the accused is not disputed by the accused. It is further argued that article Ex. CW1/9 of the year 2017, was linked to the subsequent offending tweet Ex. CW1/8 dated 08.10.2018 and accused subsequently tweeted offending tweets Ex. CW1/10 and Ex. CW1/11. It is further submitted that the entire article Ex. CW1/9 was per se defamatory and complainant is aggrieved by the entire article and subsequent tweets made by the accused. It is further argued that in article Ex. CW1/9 of the year 2017, accused had not mentioned the name of

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complainant and after one year on 08.10.2018, accused had tweeted that she had not named the complainant in the article Ex. CW1/9 because he did not do anything however, she linked her article Ex. CW1/9 with her tweet Ex. CW1/8 and used defamatory words in her article as well as in her subsequent tweets. It is further argued that complainant is aggrieved by said tweets and article as published by accused which was unsupported by any evidence or investigation, without due care and caution. It is further argued that complainant is also aggrieved by the tweet Ex. CW1/11 regarding the resignation of the complainant which was untrue on the date of the tweet. It is further argued that complainant himself appeared in the witness box as CW1 and duly proved his allegations against the accused Priya Ramani. It is further argued that complainant also examined CW2, CW3, CW4 and CW5 in support of his case with regard to the defamation caused to the stellar and impeccable reputation of the complainant and all these witnesses duly proved with respect the illustrious carrear and impeccable reputation of the complainant. It is further argued that tweets/articles published by accused has maligned the complainant and lowered his reputation and the tweets and articles were made and published in bad faith and they did not represent the truth and were false. It is further argued that complainant has duly proved his case beyond all reasonable doubt and duly discharge the burden of proof placed upon him. It is further argued that complainant has duly proved regarding the fact that he enjoyed a stellar and impeccable reputation in the eyes of society at large by examining himself as CW1 and by examining the other complainant's witnesses CW2 to CW5. It is further argued that complainant has also duly proved though the same was admitted by the accused regarding the defamatory publication Ex. CW1/8 to Ex. CW1/11 through himself as well as through witnesses CW2 to CW5 and within few days of publication of defamatory material by the accused, the same was disseminated widely through re-tweets and publication of articles Ex. CW1/12 to Ex. CW1/14. It is further argued that the damage was caused

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to the complainant's stellar reputation as a result of defamatory publication Ex. CW1/8 to Ex. CW1/11 by the accused and the same was also duly proved by complainant and through the examination of witness CW2 to CW5. It is further argued that accused set up the defence while relying upon the exception no. 1 and 9 inter-linked with exception no. 3 of Section 499 IPC. However, accused failed to discharge the burden of proof regarding pre-ponderence of probabilities to take the benefit of said exceptions. It is further argued that accused failed to discharge the burden of proving the existence of circumstances bringing the case within any of the exceptions as per requirement of Section 105 of The Indian Evidence Act and law laid down in case titled as ***Chander Shekhar Pillai Vs. Kartikian AIR 1964, Ker. 277***. It is further argued that accused has not put her defence to the complainant witnesses and accused has attempted to turn the entire case as complainant is on trial and not she herself and attempted to state that complainant has not contested the alleged hotel incident and put alternative defences without discharging the burden of proof regarding the defence taken by her. It is further argued that accused has not produced any evidence regarding the CCTV footage, call record or document of any kind in support of her narrative defence regarding the alleged incident which allegedly took place approximately 25 years back from the date of publication of Ex. CW1/8 and Ex. CW1/9. It is further argued that accused has not proved the presence of complainant in the Oberoi Hotel on the date and time of the alleged incident and statement of DW2 is only a hearsay evidence and not admissible as per law as admittedly she did not witness the incident. It is further argued that the accused has not made any complaint to any lawful authority regarding the alleged incident though the legal redressal mechanism as provided in IPC was available to her right from the date of alleged incident. It is further submitted that the behaviour of the accused belies her defence of truth and veracity of her allegations. It is further argued that accused took false and incorrect defence that no platform was available to her to redress her grievance until the Me-Too Movement, however, the

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print and social media were also available in the year 1993 and thereafter. It is further argued that for the applicability of defence of truth, the law as laid down in ***Neelkantan Kamlasanan Vs. Achuthan Vasu Devan & Ors*** is applicable which provides that " when the truth is set up as a defence, it must extend to the entire matter published and it is not sufficient that only a portion of the statement is proved to be true". It is further argued that accused took the defence of res-gestae as provided U/s 6 of The Indian Evidence Act on the basis of the statement of DW1 and DW2 regarding their alleged conversation after the alleged incident through the landline phone, however, the defence as taken by accused is not applicable as no evidence regarding alleged conversation through landline phone between DW1 and DW2 is proved and further the alleged conversation was not spontaneous and immediate but after a sufficient gap from the alleged incident and alleged conversation through landline phone between DW1 and DW2 and law as laid down in ***" Gemtela Vijayavardhanan Vs. State of A.P"*** and ***"Dhal Singh Sangwan Vs. State of Chattishgarh"*** is applicable. It is further argued that DW2 improved her version regarding the date of alleged incident after reading the statement of DW1 which creates doubt on the credibility of DW1 and DW2, if their statements be read together. It is further argued that document Ex. DW1/K and document Ex. DW1/L must be discarded for the determining the present case as Ex DW1/K was admittedly cropped and tampered document and not admissible in the eyes of law. It is further argued that a document Ex. DW2/A and Ex. DW2/B is also liable to be discarded as no detail of mobile phone IMEI Number used by DW2 and date on which screen shot was taken was mentioned in the Certificate Ex. DW2/B. It is further argued that the publication made by the accused was not made in good faith and law in this regard is laid down in case ***" S.K Sundaram: In Re, Harbhajan Singh Vs. State of Punjab and Babu Rao S. Chauhan Vs. Sheikh Biban B. Pehalwan & Anrs"*** and the defence of the accused regarding good faith is liable to be rejected. It is further argued that accused took the defence that she made

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publication in public good and in public interest, however, the same is not proved regarding which burden was upon the accused as laid down in ***Neelkantan Kamla Sanan Vs. Achutan Vasudevan & Anrs***, so the defence as taken by the accused is liable to be rejected. It is further argued that the complainant CW1 as well as other complainant witnesses CW2 to CW5 duly proved regarding the reputation of the complainant and his standing in the society and their testimonies remain un-rebutted regarding the sterling reputation of the complainant. It is further argued that in document Ex CW1/9, accused herself admitted regarding the good reputation of the complainant. It is further argued that accused took the defence that complainant's witnesses are interested witnesses, however, the complainant witnesses were the probable witnesses regarding the case of the complainant and they were credible and respected individual of the society who were interacted with the complainant professionally and personally so the defence taken by the accused is liable to be discarded and infact, DW2 was an interested witness of the defence who herself admitted that she know the accused Priya Ramani for 30 years and they were close friends. It is further argued that accused examined DW3 to refute the complainant's reputation, however, testimony of DW3 is of no relevance to the subject matter of the present case as the present case is the case of defamation against accused Priya Ramani and not a case of sexual-harassment against the complainant and DW3 admittedly did not made any complaint against the complainant to any authority at any stage so the testimony of DW3 and defence as taken by accused is liable to be discarded. It is further argued that accused took the defence regarding the structure of her publication Ex. CW1/9, Vogue Article but she herself admitted that she did not attempt to make any such classification or distinction in the article, so the defence taken by the accused is liable to be discarded as entire article was referred to the complainant which is also clear from the language of the article. It is further argued that the publication as made by the accused be considered in the circumstances and

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context of publication, publication should be considered as a whole and should be interpreted in the manner in which a reasonable man would do and clarification regarding the structure of the article Ex. CW1/9 as put in defence is liable to be rejected. It is further argued that accused herself admitted that complainant did not do anything and later on she clarified it as a sarcasm to put her defence, however, such defence is liable to be rejected. It is further argued that accused used the word predator in her publication against the complainant and she used the term in bad faith in order to malign the reputation of the complainant in society at large and instead of opting the legal mechanism and legal recourse, she choose to go on social media with her publication with sole intention to defame the complainant and on the other side, complainant being a law abiding citizen took the recourse of law by filing the present complaint after gaining the knowledge of the offending publication. It is further argued that the conduct of the accused itself reflect that the publication was made by the accused in bad faith and with intention to defame the complainant and were made without any basis or substance or truth. It is further argued that during the trial and during the course of cross examination of the accused, accused admittedly de-activated and deleted her twitter account with intention that it may become unavailable to the Court for its verification and with intention to destroy the evidence. It is further argued that accused took the defence that complainant by filing the present complaint targeted her and single her out, however, complainant himself stated that he has reserve his right to recourse against all/any individual so the defence as taken by the accused is liable to be over-looked and liable to be rejected. It is further argued that accused took the defence that she is also a reputed person and journalist, however, the defence is liable to be rejected as a reputed person is not entitled to defame the other reputed person. It is further argued that accused attempted to mis- lead the Court by putting false evidence and irrelevant arguments and same is liable to be rejected. It is further argued that the case of complainant is duly proved, so accused is

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liable to be convicted for defaming the complainant. Ld Counsel for complainant has relied upon the following judgments in support of her oral submission as well as written submissions:-

1. **Chandrasekhara Pillai vs. Karthikeyan 1964 SCC OnLine Ker 79.**
2. **Neelakantan Kamalsanan vs. Achuthan Vasudevan 1986 SCC OnLine Ker 331.**
3. **Gentela Vijayavardhan Rao & Anr. Vs. State of A.P. (1996) 6 SCC 241.**
4. **Harbhajan Singh vs. State of Punjab & Anr. AIR 1966 SC 97.**
5. **S. K. Sundram : In Re (2001) 2 SCC 171.**
6. **Sewakram Sobhani vs. R. K. Karanjia (1981) 3 SCC 208.**
7. **Sukra Mahto vs. Basdeo Kumar Mahto & Anr. 1971 (1) SCC 885.**
8. **N. B. Khare vs. M. R. Massani & Ors. 1942 SCC OnLine MP 15.**
9. **Subramanian Swamy vs. Union of India (2016) 7 SCC 221.**
10. **P.R. Ramakrishnan vs. Subbaramma Sastrigal & Anr. 1986 SCC OnLine Ker 309.**
11. **Vasa Chandrasekhar Rao vs. Ponna Satyanarayana & Anr. (2000) 6 SCC 286.**

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12. **Baburao Shankarrao Chavan vs. Biban Baban Pahelwan & Anr. 1983 SCC OnLine Bom 120.**

13. **Chaman Lal vs. The State of Punjab 1970 (1) SCC 590.**

14. **Channing Arnold vs. The King Emperor 1914 SCC OnLine PC 23.**

15. **Dhal Singh Dewangan vs. State of Chattisgarh 2016) 16 SCC 701.**

16. **Sultan Salahuddin Owaisi vs. Syed Vigaruddin & Anr. 2005(1) A.P.L.J. 222(HC).**

17. **Malay Kumar Ganguly Vs. Dr. Sukumar Mukherjee & Ors with Kunal Shah(Dr.) Vs. Dr. Sukumar Mukherjee & Ors, (2009) 9 Supreme Court Cases 221.**

18. **T.G Goswami Vs. State, Criminal Revn. Petn. No. 118 of 1951, by Punjab & Haryana High Court.**

19. **Narbada Devi Gupta Vs. Birendra Kumar Jaiswal & Anr. (2003) 8 Supreme Court Cases 745.**

34. Ld counsel for defence argued that accused put her defence at the time of framing of notice that she plead truth as her defence, made in good faith, in public interest, and for public good and during the trial accused has proved her defence in her cross examination of the complainant CW1 and other complainant's witnesses and by way of defence evidence through accused DW1, DW2 and DW3 and accused duly established that her case falls within exception 1, 9 and 3 of Section 499 IPC. It is further argued that accused have pleaded that her case falls within the exceptions 1, 9 and 3 of Section 499 of IPC and have led the evidence to prove the same on the test

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of pre-ponderence of probabilities and the ingredients of Section 499 IPC is not proved and satisfied against the accused. It is further argued that complainant claim of stellar, good and prestigious reputation is denied by the accused and contested by the accused during the cross examination of the complainant CW1 regarding the meeting of the complainant and accused on Oberoi Hotel and sexually coloured and in appropriate conduct of the complainant. It is further argued that accused also contested the reputation of the complainant through her own evidence as DW1 and through the witness DW3 and witness DW3 testified in the Court regarding repeated incidents of sexual-harassment and assault faced by her from the complainant when she was subordinate to the complainant in The Asian Age newspaper through the various tweets and posts/article reproduced in Ex. CW1/14, which was proved by complainant himself. It is further argued that the burden of proof was upon the accused to prove her defence falls within the exception of Section 499 IPC and standard of proof required for the accused is pre-ponderence of probability and not the principle of beyond reasonable doubt criteria. Ld counsel for defence has relied upon the judgments titled as ***Harbhajan Singh Vs. State of Punjab, Jeffiy J. Diermeir Vs. State of Bengal***, ***Rishikesh Singh & Ors. Vs. State,*** and argued that accused is entitled to an acquittal as she proved her defence of pre-ponderence of probability. It is further argued that even if the accused failed to establish her defence, she can still disprove the one of ingredients of the offence and entitled to an acquittal and supported her arguments by relying upon the judgments ***K.A Nanawati Vs. State of Maharashtra, Rishikesh Singh & Ors. Vs. State.*** It is further argued that accused has established her defence upon the standard and burden of proof as required by law and proved her defence falls within the exceptions 1 and 9 read with exception 3 of Section 499 IPC, so accused is entitled for acquittal. It is further argued that defence of the accused remain consistent and was corroborated during cross examination of complainant witnesses, examination of the accused as defence witness and

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examination of other two defence witnesses. It is further argued that in the Vogue Article Ex. CW1/9, of accused in first four paragraphs, she briefly summarized the harassment she faced by M.J Akbar and its truthfulness and during her reply to the notice U/s 251 Cr.PC, she pleaded truth as defence. It is further argued that accused put her defence regarding the incident of sexual-harassment by the complainant to the accused at Oberoi Hotel on the date of incident i.e. on December 1993, Bombay, during cross examination of complainant and in reply to the questions put U/s 313 Cr.PC. It is further argued that accused discharge the burden of proof as required U/s 105 of The Indian Evidence Act and re-asserted her defence when she was examined as defence witness DW1 and narrated the complete detail of the incident of sexual-harassment against her by the complainant and subsequent conversation with DW2 later in the night on the date of incident in December 1993, Bombay. It is further argued that complainant vaguely denied the evidence brought by accused Priya Ramani and not proved the contrary version qua the allegation made by accused Priya Ramani and complainant failed to discharge the burden to prove the case against accused beyond reasonable doubt. It is further argued that accused Priya Ramani proved the document Ex. DW1/K i.e. the whatsapp messages exchanged between DW1 and DW2 on 08.10.2018, after DW2 read her tweet Ex. CW1/8 on the same day and article Ex. CW1/9. It is further argued that the same message Ex. DW1/K exchanged between accused and DW2 were originally proved in the Court through the production of mobile phone and screen shot was proved and placed on record. Ld counsel for accused argued that the law as laid down in ***Arjun Pandit Rao Khotkar Vs. Kailash Kishan Rao Goran Tyal*** is applicable in the present case and when original device itself was produced, the Certificate as required U/s 65-B of The Indian Evidence Act, is unnecessary. It is further argued that the version of DW1 is also corroborated by DW2 with whom accused Priya Ramani described the behaviour of the complainant at hotel room later on the same night. It is further argued that the

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corresponding message of Ex. DW1/K is also produced by DW2 as Ex. DW2/A. It is further argued that complainant case of questioning the bonafide of the messages between DW1 and DW2 and possibility of pre-planned to avoid legal action against the accused is liable to be rejected as the complaint was filed on 15.10.2018 and message was exchanged on 08.10.2018. It is further argued that DW2 is a credible and reliable witness and she deposed clearly and consistently regarding the incident of late 1993 and DW2 corroborates and confirmed that she met with the accused prior to her interview and she was informed about the incident of sexual-harassment at the hotel by the complainant to the accused. It is further argued that evidence of DW2 is relevant and admissible U/s 6 and 9 of The Indian Evidence Act and law on the point was settled in ***Kishan Kumar Malik Vs. State of Haryana.*** It is further argued that the exchange of messages on 08.10.2018 Ex. DW1/K and Ex. DW2/A, is duly proved by DW1 and DW2. It is further argued that during detailed cross examination of DW1, complainant failed to bring doubt regarding the incident at Obroi Hotel in the year 1993 as narrated by accused. It is further argued that DW2 was the natural person to whom accused Priya Ramani disclosed the incident of sexual-harassment and testimony of DW1 and DW2 is reliable and proved regarding the incident at Oberoi Hotel in December 1993. It is further argued that accused has duly established the incident of meeting between accused and M.J Akbar wherein complainant M.J Akbar had made inappropriate sexual overtones towards her which made her feel uncomfortable and her version is corroborated to the testimony of DW2 who met with the accused prior to the incident of sexual-harassment by the complainant to the accused Priya Ramani and to whom accused Priya Ramani disclosed and discussed after the incident. It is further argued that tweet Ex. CW1/8, Ex. CW1/10 and the later portion of the Ex. CW1/11 and article Ex. CW1/9 represent the truth of the accused and defence as taken by the accused. It is further argued that tweets and article published by accused were made in good faith. It is further argued that in document Ex. CW1/8, accused

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used the word " he didn't do anything" and the word " do" denote scarscam and sexual-harassment did not always involved an overt physical attack, it may be verbal or other forms of sexually coloured behaviour. It is further argued that the complainant deliberately misrepresented the sarcastic use of the word "do" in literal sense, however, complainant himself admitted in cross examination as nothing happened physically. It is argued that accused duly explained the use of word predator in her examination in chief and the same is liable to be considered for purposes of her defence. It is further argued that accused published the article in good faith and for public good and she is entitled for her acquittal. It is further argued that in the article Ex. CW1/9, only first four paragraphs related to the complainant and not the entire article and complainant deliberately misread the Vogue Article. It is further argued that accused DW1 herself deposed and explained regarding the publication of Ex. CW1/9 and only the beginning of the article was about the complainant but not the entire article which were further clarified in tweet Ex. CW1/8 dated 08.10.2018, which clearly states from point D to D " I began this piece with my M.J Akbar Story" and thereafter, the link of the Vogue Article was provided. It is further argued that the title of the article " To the Harvey-Weinsteins of the World" (emphasis on the plural) and its URL-link also reflect about the same. It is further argued that the entire article was not about the complainant but addressed to a generic male boss with only the beginning of the article about M.J Akbar. It is further argued that the portion Y to Y of the article further clarifies the same which uses the word 'species' which refers to general male bosses rather than anyone person specifically. It is further argued that accused when examined herself as DW1 clarified about the content of article Ex. CW1/9 and clearly stated that only first four paragraphs of the article was about the incident of 1993. It is further argued that the tweet of the accused Ex. CW1/10 was an acknowledgment of the fact that several women had come out with their stories of sexual-harassment against the complainant M.J Akbar and complainant admitted during his cross

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examination that he read the document Ex. CW1/14, when he filed the complaint and stated that several women had made allegation against him. It is further argued that the defence of the accused further corroborated regarding the document Ex. CW1/10, when she herself appeared in the witness box as DW1. It is further argued that the accused used the word " Media Biggest Sexual Predator" is based on the multiple allegation of the sexual-harassment and assault by complainant M.J Akbar and it exposes his conduct as a person who used his power and position to sexually harass younger female subordinates at workplace and the disclosure was made by the accused for the public good and in the public interest. It is further argued on behalf of the accused that tweet Ex. CW1/11 has nothing to do with the incident of 1993 at Oberoi Hotel, Bombay involving accused and complainant M.J Akbar and tweet Ex. CW1/11 is not defamatory and was based on the media report and article published by Firstpost, however, the news of resignation of the complainant later on turned out to be false and complainant resigned two days later and accused acknowledged the honest mistake regarding her tweet Ex. CW1/11 of the resignation of complainant. It is further argued that the defence of truth taken by accused pertains to the document Ex. CW1/8, Ex. CW1/9 and Ex. CW1/10 but not the portion of Ex. CW1/11 which is evident from the bare reading of the Ex. CW1/11. It is further argued that tweet Ex. CW1/8 to Ex. CW1/10 and later portion of Ex. CW1/11 and article Ex. CW1/9 were made in public good and for public interest. Ld counsel for defence has relied upon the judgments titled as ***Vishaka & Ors. Vs. State of Rajashtan and Medha Kotwal Lele Vs. Union of India***, ***Binu Tanta & Ors. Vs. Hon'ble High Court of Delhi & Ors, Ms. X Vs. Union of India,*** and submitted that in the year 2013, 16 years after the Vishaka Judgment, The Sexual-Harassment of the Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed and IPC was also amended and Section 354-A was inserted to make sexual-harassment as a criminal offence first time. It is further argued that document Ex. CW1/12 appended to the complaint also

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acknowledges the Me-Too Movement through which multiple women from the diverse field came out in public domain to speak about sexual-harassment and name those who had sexually harassed them. It is further argued that sexual-harassment has remain a relevant issue for women at workplace and the Me-Too Movement provided a platform to the women sexually harassed to break their silence and accused Priya Ramani was one of the such woman. It is further argued that no legal remedies were available to the accused Priya Ramani in the year 1993-1994 when she was sexually harassed and the Indian Penal Code was amended later on and Section 354-A IPC was inserted by Amendment Act, 2013. It is further submitted that accused Priya Ramani herself examined as DW1 and she is a credible witness and remain consistent regarding the account of her experience meeting with complainant at Oberoi Hotel in the year 1993 in her article Ex. CW1/9 in the cross examination of CW2, in the statement of accused U/s 313 Cr.PC and when she appeared as DW1 and her statement was supported and proved by DW2. It is further argued that accused is a journalist and reputed person and she had no reason to make false allegation against the complainant and no motive was assigned by complainant to the accused regarding the publication made by the accused. It is further argued that complainant and his witnesses have claimed that complainant is a man of stellar reputation, however, accused through her testimony and testimony of DW3 demolished the complainant's claim of having his stellar reputation. It is further argued that complainant himself admitted that he was in consensual relationship with one Pallavi Gogoi who was 23 years of age in the year 1994 and complainant was 43 years old at that time and Pallavi Gogoi was subordinate to the complainant at the workplace, which further demolishes the claim of complainant having stellar reputation. It is further argued that complainant himself produced document Ex. CW1/14 which contained the account and allegations and tweets of 12 women who were allegedly sexually harassed by the complainant. It is further argued that complainant was convicted for Contempt of

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Court and has tendered an apology to the Hon'ble High Court of Delhi, document Ex. CW1/DC and Ex. CW1/DD which he admitted which further demolishes his claim of stellar reputation. It is further submitted that witnesses of the complainant with regard to his claim of stellar reputation are interested witnesses and not reliable, hence their testimonies are liable to be rejected. It is further argued that complainant deposed falsely in the Court and gave vague replies during his cross examination and conceal material facts from the Court, hence, his case is liable to be rejected and accused is entitled for acquittal. It is further argued that accused Priya Ramani was not the first woman to tweet regarding the complainant and prior to her, DW3 Ghazala Wahab tweeted about the complainant on 06.10.2018 in the context of Me-Too Movement two days prior to Priya Ramani's tweet. It is further argued that complainant selectively targeted accused Priya Ramani to create chilling effect against other victims of his sexual violence/harassment. It is further argued that the deactivation of twitter account of the accused has no relevance to the present case neither there was any direction from the Court or any Authority to not deactivate her twitter account prior to adjudication of the present case. It is further argued that case law as relied upon by the complainant in support of his contention is not applicable in the facts and circumstances of the case. It is further argued that complainant failed to prove his case beyond reasonable doubt and accused duly established her defence, so accused be acquitted from the present case.

35. Ld counsel for accused Priya Ramani has relied upon the following judgments in support of her final arguments as advanced orally as well as in written submissions:-

1. **MS (X) Vs. Union of India & Ors. LPA 527/2019, decided by Hon'ble High Court of Delhi.**
2. ***2.*** **M.S Tyagi & Ors. Vs. Danish Grih Nirman Sahkari**

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Sanstha Maryadit, decided on 16.09.2016 in M.Cr. C. Nos. 2675/06, 5927/2007 and 6597/2008.

3. **Kajal Sen & Ors. Vs. State of Assam, (2002) 2 Supreme Court Cases 551.**
4. **Raj Bahadur Vs. State, DRJ 1991(21), decided on 14.08.1991.**
5. **Ram Dayal Vs. State of Madhya Pradesh, (1993 M.P.L.J 532).**
6. **Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal & Ors, (2020 SCC Online SC 571)**
7. **MCD Vs. State of Delhi & Anr, (2005) 4 SCC 605.**
8. **Krishan Kumar Malik Vs. State of Haryana [(2011) 7 SCC 130].**
9. **Jitender Vs. State (NCT of Delhi) [2017 SCC Online Del 8723].**
10. **Vishakha & Ors. Vs. State of Rajasthan & Ors. [(1997) 6 SCC 241].**
11. **Medha Kotwal Lele & Ors Vs. Union of India & Ors. [2013) 1 SCC 297].**
12. **Binu Tamta & Anr. Vs. High Court of Delhi & Ors. [2014) 13 SCC 257].**
13. **Aires Rodrigues Vs. Subodh Kantak [2009 SCC OnLine Bom 1309].**
14. **Varghese Vs. Matrubhumi Printing & Publishing Co. (P) Ltd. [2019 SCC OnLine Ker 2665].**

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15. **Harbhajan Singh Vs. State of Punjab [AIR 1966 SC 97].**
16. **Jeffrey J. Diermeier Vs. State of West Bengal [2010 (6) SCC 243].**
17. **Rishi Kesh Singh & Ors. Vs. State, [1970 Cri LJ 132 (FB)].**
18. **K.M Nanawati Vs. State of Maharashtra [AIR 1962 SC 605].**
19. **Dahyabhai Chhaganbhai Thakkar Vs. State of Gujarat [AIR 1964 SC 1563].**

36. **Legal Provisions**

Section 6 of The Indian Evidence Act, 1872

Relevancy of facts forming part of same transaction.—Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Section 9 of The Indian Evidence Act, 1872

Facts necessary to explain or introduce relevant facts. —Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

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Section 499 of The Indian Penal Code

Defamation.—Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

Explanation 1.—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says—"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it fall within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z

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stole B's watch. This is defamation unless it fall within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

First Exception.—**Imputation of truth which public good requires to be made or published**.—It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Second Exception.—**Public conduct of public servants**.—It is not defamation to express in a good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Third Exception.—**Conduct of any person touching any public question**.—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further. Illustration It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending a such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharges of the duties of which the public is interested.

Fourth Exception.—**Publication of reports of proceedings of Courts**.—It is not defamation to publish substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings. Explanation.—A Justice of the Peace or other officer holding an inquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception.—**Merits of case decided in Court or conduct of witnesses and others concerned**.—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or

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respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this is in good faith, in as much as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says—"I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, in as much as the opinion which he express of Z's character, is an opinion not founded on Z's conduct as a witness.

Sixth Exception.—Merits of public performance.—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation.—A performance may be substituted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or signing in the judgment of the public.

(d) A says of a book published by Z—"Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind". A is within the exception, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says—"I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine". A is not within this exception, in as much as the opinion which he

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expresses of Z's character is an opinion not founded on Z's book.

Seventh Exception.—**Censure passed in good faith by person having lawful authority over another**.—It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a school-master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier—are within this exception.

Eighth Exception.—**Accusation preferred in good faith to authorised person**.—It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

Illustration

If A in good faith accuse Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, and child, to Z's father—A is within this exception.

Ninth Exception.—**Imputation made in good faith by person for protection of his or other's interests**.—It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty". A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report of his own superior officer, casts an imputation on the

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character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Tenth Exception.—**Caution intended for good of person to whom conveyed or for public good**.—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

Section 500 of The Indian Penal Code

Punishment for defamation.—Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

International & National legislative frameworks related to sexual-harassment

India's participation in the various international forums and the ratification of the international treaties on the human rights of women is a testimony of the commitment to ensure dignity and equality of women in all spheres of life as clearly envisaged in the Indian Constitution.

The following standards and frameworks include key contents on promoting equality and addressing sexual harassment:

Universal Declaration of Human Rights, 1948: Articles 1, 2 and 7 of UDHR. 1948 speak about equality in dignity, rights and freedoms and equal protection against any discrimination.

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111): aims to protect against discrimination in employment and occupation on the grounds of sex, race, colour, religion, political opinion, national or social origin. In its general observation of 2003, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has emphasized that sexual harassment is a form of sex discrimination and should be addressed within the requirements of Convention No. 111. In the view of the gravity and serious repercussions of sexual harassment, the

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CEACR has urged governments to take appropriate measures to prohibit sexual harassment in employment and occupation and has provided elements of a definition of sexual harassment.

International Covenant on Economic, Social and Cultural Rights, 1966 enjoins all states to guarantee rights enunciated in it without discrimination of any kind. States must ensure equality between women and men for the enjoyment of all economic, social and cultural rights established in the Covenant. The right to fair conditions of work is enshrined in Article 7.

United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979: Article 11 prescribes States to eliminate discrimination against women in the field of employment and to ensure equality of men and women. While sexual harassment is not yet covered by a specific international instrument, the CEDAW Committee in its General Recommendation No. 19 in 1992has qualified it as a form of discrimination on the basis of sex and as a form of violence against women. Recognizing that equality in employment can be seriously affected when women are subjected to gender specific violence, such as sexual harassment in the workplace, it called on States to take measures to protect women from sexual harassment.

ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169):

Governments shall, within the framework of national laws and regulations, and in co-operation with peoples concerned, adopt special measures to ensure that workers enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment (Article 20.1-3 (d)).

ILO Decent Work for Domestic Workers Convention, 2011 (No.189):

Each Member shall take measures to ensure that domestic workers enjoy effective

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protection against all forms of abuse, harassment and violence (Article 5).

ILO Resolution on Equal Opportunities and Equal Treatment for Men and Women in Employment, ILC, 71st Session,1985 recommended that measures be taken to extend social protection to women and men concerning reproductive hazards and sexual harassment.

UN Declaration on the Elimination of Violence against Women, 1993:

Article 1 of this Declaration defined "Violence against women" as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It also included sexual harassment and intimidation at work, in educational institutions and elsewhere as part of violence against women. The Declaration stated that such violence encompasses, but is not limited to, the following: "...physical, sexual and psychological violence in the community including rape, sexual harassment and intimidation at work, in education institutions and elsewhere".

The Beijing Platform of Action drawn at the United Nations' Women's Conference in Beijingin 1995 called to advance women's rights and to eliminate violence against women including sexual harassment at work.

ILO HIV and AIDS Recommendation, 2010 (No.200): Measures should be taken in or through the workplace to reduce the transmission of HIV and alleviate its impact by: ensuring actions to prevent and prohibit violence and harassment in the workplace (Article 14 (c)).

Indian legislative frameworks

In India, the Vishaka Guidelines was the first ever legal action that provided a broad framework for preventing and addressing cases of sexual

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harassment of women within the workplace. It recognized that sexual harassment of women in the workplace resulted in the violation of their fundamental rights of gender equality, right to life and liberty, and the right to carry out any occupation, trade or profession.

Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013

In 2012, India saw increased and strong calls for addressing violence against women, with the increasing number of reported cases of sexual harassment and violence against women. In this context, the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 was enacted to provide protection against sexual harassment of women at workplace and for preventing and addressing complaints of sexual harassment. The Act recognizes that sexual harassment results in the violation of a woman's fundamental right to equality under Articles 14, 15 and 21 of the Constitution which provide for equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth and protection of life and personal liberty. The Act includes key definitions and measures to be taken by different stakeholders for preventing and addressing sexual harassment at the workplace. Section 28 of the Act mentions that its provisions shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Constitution of India

The core objective of the Constitution of India is to secure to all its citizens Justice, Liberty, Equality, Fraternity and Dignity as is clearly laid down in the Preamble to the Constitution of India.

Fundamental rights vested by the Constitution

- Article 14: Provides for equality before the law and the equal protection of the law. It includes gender equality, which is a universally recognized basic human

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right.

- Article 15: Prohibits discrimination on grounds of religion, race, caste, sex or place of birth.
- Article 19 (1) (g): All citizens shall have the right to practice any profession, or to carry on any occupation, trade or business.
- Article 21: Enshrines the right to life and personal liberty.
- Article 51 provides that the state shall endeavor to foster respect for international law and treaty obligations
- Article 253 provides that the Parliament has the power to give effect to international agreements or decisions made at International Conferences.

37. **THE REASON FOR DECISION**

The present complaint Ex. CW1/7 of criminal defamation of the complainant filed on the basis of publication of document Ex. CW1/8 dated 12.10.2017 without naming the complainant, the publication of document Ex. CW1/9 dated 08.10.2018 while disclosing the name of complainant M.J Akbar and linking it with previous publication of article Ex. CW1/8, the publication of tweet dated 10.10.2018 Ex. CW1/10, the tweet dated 13.10.2018 Ex. CW1/11 and it is contended by the complainant that after publication of the document Ex. CW1/8 to Ex. CW1/11, the same were widely circulated in various online media platform, online news, social media platform and other platforms. It is contended that complainant was defamed by the accused Priya Ramani by publication of tweets and article published as well as distributed at her behest. It is further contended by the complainant that accused had made false, derogatory and malicious imputations against complainant M.J Akbar in order to defame the complainant with sole ulterior motive of maligning his reputation and his political standing, in furtherance of her own vested interest and underlying agenda. It is further contended that defamatory publication made by the accused, by her design, been circulated, through electronic and print media but not limited to the Vogue Magazine, Twitter, Livemint, The Washington Post, Firstpost etc. It is further contended by the complainant that allegation

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as mentioned in document Ex. CW1/8 and Ex. CW1/9 were allegedly related to the incident occurred more than two decades back and accused herself admitted in her publication that complainant did not 'do' anything to her and further, accused Priya Ramani also did not lodge any complaint to any lawful authority which reflect that the defamatory article and publication were made and published with intention to malign the reputation of complainant. It is further contended that the publication of tweet and article Ex. CW1/8, Ex. CW1/9, Ex. CW1/10 and Ex. CW1/11 is not disputed by the accused Priya Ramani. It is argued and contended by the complainant that complainant is a man of stellar and impeccable reputation and he proved by examining himself as well as by examining witnesses CW2 to CW5 regarding the same. Complainant contended that accused Priya Ramani committed the offence of defamation and took false defence and alternative defence and produced inadmissible evidence, hearsay evidence and irrelevant evidence in support of her false defence and on the other hand complainant duly proved the defamatory publication as published by the accused, the stellar reputation of the complainant and defamation caused by the publication of the accused to the complainant, so accused is liable to be convicted for commission of offence of defamation as punishable U/s 500 IPC.

Accused Priya Ramani took the defence that publication of article and tweet were made for public good regarding the true incident of her sexual-harassment of December, 1993 at Oberoi Hotel, Mumbai when complainant M.J Akbar called the accused Priya Ramani for interview at 07.00 pm in his bed room of the hotel and sexually harassed her. Accused also took the defence that she disclose the conduct of the complainant M.J Akbar by way of her publication and also raised the concern and question of sexual-harassment of women in general at workplace. Accused also took the defence that she made publication in good faith for protection for other women's interest in general regarding sexual-harassment at workplace. Accused contended that her publication covered under the exception 1, 3 and 9 of the Section 499 of IPC. Accused also contended that complainant is not a man of stellar and impeccable reputation and accused did not defamed him by publishing the tweets and article.

Complainant argued and contended that entire article Ex. CW1/9 and subsequent tweets Ex. CW1/8, Ex. CW1/10 and Ex. CW1/11 were per se defamatory and

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were made with intention to defame the complainant. It is further contended by the complainant that tweet Ex. CW1/11 regarding the resignation of complainant was untrue on the date of publication and the same was published with intention to further defame the complainant and same was published without any enquiry and investigation. It is further contended by the complainant that the publication of defamatory material by the accused was further disseminated widely through re-tweets and publication of articles Ex. CW1/12 to Ex. CW1/14 and accused defamed the complainant and lowered his reputation in the large section of society.

On perusal and on the joint reading of document Ex. CW1/8 and Ex. CW1/9, the Court is of considered view that its contents are defamatory in nature and article Ex. CW1/9 find no mention regarding the clarification and marking distinction that particular portion of the article pertains to the complainant and other portion pertains to other male bosses in general. Hence, the defence of the accused regarding publication of only particular portion qua the complainant in document Ex. CW1/9 and remaining portion with respect to the other male bosses is rejected. On the date of publication of document Ex. CW1/11, the complainant admittedly not resigned from his post as a Minister of State in External Affairs, Government of India, however, accused took the defence that she published Ex. CW1/11 on the basis of her enquiry of online news report and she also admitted during her examination in the Court that Ex. CW1/11 was the honest mistake on her part, hence, the Court accept the defence and contention of the accused regarding publication of document Ex. CW1/11 and Court also accept the contention of accused that she conducted reasonable man enquiry and then published Ex. CW1/11.

It is contended and argued by the complainant that accused took alternate defence and her such defence is liable to be rejected, however, it is settled position of law that accused may take alternate defence and accused has only to establish the test of pre-ponderence of probability of her defence and not to qualify the test of proving her defence beyond reasonable doubt, hence, the contention of complainant regarding taking alternative defence by accused is rejected.

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The complainant contended that accused made false allegation in her Vogue Article Ex. CW1/9 and later on link the article with her tweet Ex. CW1/8 in order to defame the complainant. It is further contended by the complainant that no such meeting or interview or incident of sexual-harassment took place against the accused in December, 1993 at Oberoi Hotel, Bombay and due to the same reason, no complaint was lodged by the accused after the alleged sexual-harassment of the accused by the complainant even after two decades of the date of alleged incident. The complainant further contended that he is a reputed person of society and same is duly proved by complainant himself as well as by examining the other witnesses of complainant CW2 to CW5 and accused put her false defence by examining herself as DW1 and her two other defence witnesses DW2 and DW3. The accused on the other hand contended that she disclosed the true incident of sexual-harassment against her by the complainant at Oberoi Hotel, Bombay in December, 1993 and she disclosed the conduct of complainant and sexual-harassment of the women in general at workplace and she made publication in good faith for protection of other woman's interest in general regarding sexual-harassment at workplace. Accused also contended that the claim of complainant having impeccable and stellar reputation was demolished through the testimony of accused DW1 and testimony of DW3 Ghazala Wahab. Accused also contended that DW3 Ghazala Wahab was also a victim of sexual-harassment at workplace by the complainant M.J Akbar and she disclosed the sexual-harassment done by complainant when she was working as subordinate with the complainant M.J Akbar. Accused also contended that there was no mechanism at the time of incident to redress sexual-harassment at workplace committed against her by the complainant and later on she chooses not to file any complaint against complainant considering his powerful social position and status. It is also contended by the accused that DW3 Ghazala Wahab also did not lodge the complaint against the complainant considering her social status, powerful position of the complainant, social circumstances and she opted to remain silent to avoid social stigma attached with the sexual-harassment. Accused contended that various other women who were subordinates and who worked with the complainant also disclosed the sexual-harassment committed against them by the complainant and the same found mention in the document of complainant Ex. CW1/14,

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however, complainant selectively chooses the accused Priya Ramani and filed the case of criminal defamation only against her and not against the other women, some of whom even published regarding the sexual-harassment by the complainant against them prior to the publication of the accused. Accused contended that incident of sexual-harassment against her by the complainant M.J Akbar was duly proved by her own testimony and testimony of the witness DW2 Niloufer Venkatraman and DW2 corroborated the presence of the accused in Oberoi Hotel at 07.00 pm in December, 1993 and her meeting with the complainant M.J Akbar regarding her job interview. Accused also contended that after the sexual-harassment by the complainant in his bed room of the Oberoi Hotel, Bombay, when she returned, she disclosed the fact and circumstances of the sexual-harassment to DW2. The Court accept the contention of the accused and the possibility of defence of the accused that she disclosed the truth regarding the incident of sexual-harassment against her at the Oberoi Hotel, Bombay in December, 1993 on the basis of testimony of accused DW1 and its corroboration by the testimony of DW2 Niloufer Venkatraman. The Court also accept the contention of the accused that complainant is not a man of stellar reputation on the basis of testimony of accused DW1 and testimony of DW3 Ghazala Wahab. It cannot be ignored that most of the time, the offence of sexual-harassment and sexual abuse committed in the close doors or privately. Sometimes the victims herself does not understand what is happening to them or what is happening to them is wrong. Despite how well respected some persons are in the society, they in their personal lives, could show extreme cruelty to the females. The Court takes consideration of the systematic abuse at the workplace due to lack of the mechanism to redress the grievance of sexual-harassment at the time of the incident of sexual-harassment against the accused Priya Ramani and witness Ghazala Wahab prior to the issuance of Vishaka Guidelines by Hon'ble Supreme Court of India and enactment of The Sexual-Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013, or their option to not lodge the complaint of sexual-harassment due to the social stigma attached with the sexual-harassment of women. The time has come for our society to understand the sexual abuse and sexual-harassment and its implications on victims. The society should understand that an abusive person is just like rest of the other person and he

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too has family and friends. He can also be well respected person of the society. The victims of the sexual-abuse not even speak a word about abuse for many years because sometimes she herself have no idea that she is a victim of abuse. The victim may keep believing that she is at fault and victim may live with that shame for years or for decades. Most of the women who suffer abuse do not speak up about it or against it for simple reason " The Shame" or the social stigma attached with the sexual-harassment and abuse. The sexual abuse, if committed against woman, takes away her dignity and her self confidence. The attack on the character of sex-abuser or offender by sex abuse victim, is the reaction of self defence after the mental trauma suffered by the victim regarding the shame attached with the crime committed against her. The woman cannot be punished for raising voice against the sex-abuse on the pretext of criminal complaint of defamation as the right of reputation cannot be protected at the cost of the right of life and dignity of woman as guaranteed in Indian Constitution under article 21 and right of equality before law and equal protection of law as guaranteed under article 14 of the Constitution. The woman has a right to put her grievance at any platform of her choice and even after decades. It is shameful that the incidents of crime and violence against women are happening in the country where mega epics such as *"Mahabarata" and "Ramayana"* were written around the theme of respect for women. In *"Balyamiki Ramayan*, the reference of great respect is found, when Prince *Laxman* was asked to describe about Princesses *Sita*, he answered that he remembers only her feet as he had never looked beyond that". In the *"Aranaya Kand of Ramcharitmanas"*, a reference of noble tradition of protecting, respecting and promoting the dignity of women is found, and it refers about noble *'Jatayu'* (the mithical bird) when witnessed the crime of abduction of princes *'Sita*', he came swiftly to protect princesses Sita and consequently his wings were cut down by Ravan, the abductor of the Sita. The noble word ' Jatayu' though was wounded and was dying, but he lived long enough to pass the information of abduction of princesses Sita to the Prince Ram and Prince Laxman. Similarly, in *"Sabha Parv of Mahabharta"*, the reference is found about the appeal of queen *Dropati* for justice to the *Kuru Raj Sabha* and she questioned the legality of her treatment of being dragged by *Duhashana* into the dice hall. The subtlety of the questions, asked in a situation of intense personal trauma, is indicative of

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her cerebral power and her ability of sharp and logical analysis. The Indian women are capable, pave the way for them to excel, they only require the freedom and equality. The 'glass ceiling' will not prevent the Indian women as a road lock for their advancement in the society, if equal opportunity and social protection be given to them. As per the Economic Survey Report of the year 2020-2021 presented in the Parliament, the pan Indian works force participation rate of female in the production age (15 to 59 years was 26.5% in the year 2018-2019 as compared to 80.3% for male). It is suggested in the said Report that in order to incentive more women to join the work force, apart from the investment in the institutional support and other areas, safe work environment needs to be made. The Indian Parliament has enacted various laws for protection, welfare and for providing safe environment to the women, such as The Immoral Traffic (Prevention Act) 1956, 'The Indecent Representation of Women' (Prohibition) Act, 1986, The Protection of Women from Domestic Violence Act, 2005, The Sexual-Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, Muslim Women (Protection of Right on Marriage) Act, 2019. The various schemes like Ujwala Yojna and Jandhan Yojna are the other positive steps of the Government of India to empower women at grass root level.

38. **CONCLUSION**

In view of the above discussion, the Court is of the considered view that case of complainant regarding commission of offence punishable U/s 500 IPC against the accused Priya Ramani is not proved and she is acquitted for the same.

39. Accused is directed to furnish bail bonds and surety bonds for sum of Rs. 10,000/- each in terms of Section 437-A Cr.PC.

40. File be consigned to Record Room after due compliance.

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Announced in the open Court,

On 17th , February, 2021.

(Ravindra Kumar Pandey)
ACMM-01,RADC/New Delhi