

# "No Ill-Will Against Lawyers": Rajasthan High Court Dismisses Defamation Complaint Against Akshay Kumar Concerning 'Jolly LLB 2'

Sparsh Upadhyay 6 Aug 2021 9:42 AM



SHARE THIS -     



The **Rajasthan High Court** on Wednesday dismissed a criminal complaint for defamation filed in the year 2017 against **Actor Akshay Kumar** concerning the movie - **Jolly LLB 2**.

The Bench of **Justice Satish Kumar Sharma** also quashed the order of **Additional Chief Metropolitan Magistrate, Jaipur Metropolitan Sanganer** taking cognizance under **Section 500 IPC** against Akshay Kumar on the basis of the trailer of the film **Jolly LLB 2**.

*"The petitioner is an artist, who has no personal opinion or intention or any ill will against any individual or the petitioner or the class of lawyers. Thus, the impugned order also tends to violate fundamental rights of the petitioner of freedom of speech and expression as guaranteed under Articles 19(1)(a) and 19(1)(g) of the Constitution of India,"* the Court emphasized in its order.

#### The matter in brief

A criminal complaint for Defamation had been filed on the basis of the trailer of the film **Jolly LLB 2**, alleging that some scenes of the film were against the Lawyers' community.

The Counsel for Akshay Kumar submitted before the Court that the entire film **Jolly LLB 2** was scrutinized by the **Bombay High Court (Aurangabad Bench)** in a PIL, and in compliance with its order, some scenes were deleted, and thereafter a necessary certificate was issued by the **Central Board of Films Certification** (hereinafter 'CBFC').

It was further submitted that in the past four years, there had been no objection from any sect of the Society against the film **so released after the certification**.

It was argued that the trailer was also approved by the CBFC and the presumption was in favor of the film so released after due certification by the CBFC that the same had no content of defamation against anyone.

Lastly, referring to the order of taking Cognizance, the Counsel submitted that the impugned order of cognizance was violative of fundamental rights of freedom of speech and expression as guaranteed under Article 19(1)(a) and 19(1)(g) of the Constitution of India.

#### Court's observations

Referring to Apex Court's ruling in the case of **Raj Kapoor Vs. Laxman [(1980) 2 SCC 175]**, the Court noted that in the instant case after the issuance of a certificate by the CBFC under the special provisions of the Section 5-A of the Cinematograph Act, a justification in law within Section 79 for public display of the film exists.

Further, emphasizing that the trial should be satisfied before summoning the accused that sufficient grounds for proceeding are available on record, the Court observed thus:

*"The learned trial court was obliged to consider the trailer in context of the entire film and then only a logical conclusion was required to be drawn. Admittedly, the impugned order of cognizance has been passed on the basis of trailer only."*

In view of the above, the Court found that the impugned order had been passed without due application of mind and without considering all relevant aspects of the matter.

Therefore, the petition was allowed and the impugned order dated 6-2-2017 in Cr. Case No.661/2017 passed by the Additional Chief Metropolitan Magistrate No.20, Sanganer Jaipur Metropolitan was quashed and set aside and the complaint was dismissed.

**The Quashing Petition under section 482 Cr. P.C on behalf of Actor Akshay Kumar was filed by Advocates Purvi Mathur and Kushagra Sharma, Nitin Sharma & Sumant Narang.**

Case title – Akshay Kumar v. State of Rajasthan and anr.