

Lokpal of India
Plot No.6, Vasant Kunj Institutional Area – Phase-II
New Delhi – 110070

Complaint No. : **140/2024**

Date : **13.08.2024**

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthy
Judicial Member

Shri Ajay Tirkey
Member

ORDER

1. Pursuant to the liberty given to the complainant vide our order dated 12.07.2024, the complainant has sent an email offering his comments.
2. Reverting to the order passed by the Full Bench on 12.07.2024, it was inter alia observed as follows:

"2. We have carefully perused the complaint and the accompanying photocopy of the purported Press Note. The complainant has culled out



the allegations in the stated Press Note and has asserted that the third person responsible for issuing the Press Note will be able to furnish the required information for substantiating the allegations. For that, a proper inquiry be ordered.

3. The allegations inter alia refer to different transactions effected including the acquisition of benami property in Shukra Taal area in the name of relatives of the named public servant. The purported Press Note does indicate the nature of specific transactions. The fact remains that it is a photocopy of an unsigned Press Note, allegedly issued by a third person. The complainant has merely produced a photostat copy of the unsigned Press Note. That indeed is on the letterhead of that (third) person without any signature or noting to authenticate the genuineness of the document.

4. In other words, the case made out by the complainant is, so to speak, hearsay version; and not about revelations or information provided by him on the basis of his personal knowledge.

5. We, therefore, call upon the complainant to substantiate the fact that the Press Note was in fact issued by the third person (a former MLA); and that the same was duly published and circulated in the public domain. Be it noted that the complainant has mentioned about a Press Conference, held by the third person (former MLA), but has not substantiated the fact that such Press Conference was in fact held and the contents of the purported press note was also translated into a News Item or circulated in local or national newspapers or TV Channels.

6. To enable us to proceed further, the complainant must substantiate the existence of the stated document, on which he is relying as a Press Note issued by its author and produce authentic copy thereof including whether the same was translated into a news item in print and digital media circulated to the public. The complainant has not spelt out any details in that regard, in the complaint under consideration nor specifically mentioned about the factum of when the Press Conference was held and by whom etc., muchless substantiate it by some tangible material."



3. In the comments offered by the complainant in writing after adverting to the facts known to him, he has summed up as follows:

“Summing it up, the following points emerge from the above facts and documents-

1. It is an undisputed fact that **Sri XXXXXX (name redacted for confidentiality)** held a Press Conference on 10/06/2024, focused primarily against **Sri XXXXXX (names redacted)**.
2. It is again undisputed that **Sri XXXXXX (name redacted for confidentiality)** held a retaliatory Press Conference on 11/06/2024 (Tuesday) at his residence in Meerut.
3. It is again undisputed that the 2-page Press Note, on which this complaint is based, was actually distributed to Media persons in this Press Conference of **Sri XXXXXX (name redacted for confidentiality)**.
4. It is again undisputed that **Sri XXXXXX (name redacted for confidentiality)**, allegedly associated with **Sri XXXXXX (name redacted for confidentiality)**, circulated a short video in retaliation, and sent a Rs. 10 crores Defamation notice to **Sri XXXXXX (name redacted for confidentiality)**, for having defamed him by mentioning him in this alleged Press Note, for being a facilitator to **Sri XXXXXX (name redacted for confidentiality)** in purchase of land in Australia.
5. It is again undisputed that **Sri XXXXXX (name redacted for confidentiality)** later denied having any hand in the circulation of this Press Note and also got a complaint presented to Thana Lal Kurti, Meerut.
6. It is almost sure that Thana **XXXXXX (name redacted for confidentiality)** did not get an FIR registered on this complaint, having possibly not believed **Sri XXXXXX (name redacted for confidentiality)** allegations of some outside conspiracy.
7. It is again almost undisputed that **Sri XXXXXX (name redacted for confidentiality)** also did not accept **Sri XXXXXX (name redacted for confidentiality)** denial statement and he sent a letter to **Sri XXXXXX (name redacted for confidentiality)**, Home Minister of India, seeking a CBI probe in entire episode of distribution of Press Note in **Sri XXXXXX (name redacted for confidentiality)** Press Conference at his residence.”

4. On the basis of the observations made by him, he has finally concluded as follows:

"In view of these facts, it clearly emerges that-

1. There certainly was distribution of 02 page unsigned Press Note on the letter pad of **Sri XXXXXX (name redacted for confidentiality)**, ex MLA with serious allegations of corruption against **Sri XXXXXX (name redacted for confidentiality)** at **Sri XXXXXX (name redacted for confidentiality)** Press Conference at his residence at Lal Kurti area, Meerut on 11/06/2024 (Tuesdat).

2. **Sri XXXXXX (name redacted for confidentiality)** has tried to deny having any role in distribution of this Press Note but no one, including Police and **Sri XXXXXX (name redacted for confidentiality)**, seem to be accepting his denial and it is widely accepted that he issued conspiracy theory only to safeguard himself.

3. **Sri XXXXXX (name redacted for confidentiality)** himself seems to have acknowledged the issuance of such Press Note at the Press Conference of **Sri XXXXXX (name redacted for confidentiality)** and also seems to have sought CBI or some other high level enquiry in the given matter.

*In short, the issuance of this 02 page Press Note at **Sri XXXXXX (name redacted for confidentiality)** Press Conference at his residence on 11/06/2024, in all certainty by him through his men, seems to be fully established.*

*Once the issuance of this Press Note gets established, in all certainty by **Sri XXXXXX (name redacted for confidentiality)**, the primary evidence/fact on which this complaint is based, seems to have been established. In view of these facts, the applicant most humbly once again prays to kindly get the facts of this 02 page Press Note enquired, by the CBI or any other high level agency, as allegedly being sought by **Sri XXXXXX (name redacted for confidentiality)** as well."*



5. We have carefully examined the comments offered by the complainant. The position that emerges, is that, some press conference was held by the named Respondent Public Servant (RPS) on 10.06.2024; and as a retaliatory measure, **Shri XXXXXX(name redacted)**, third person (not the complainant), held another Press Conference on 11.06.2024, at his residence in Meerut, in which, document purported to be unsigned Press Note was distributed. The said **Shri XXXXXX (name redacted)**, who had held retaliatory press conference, later denied having any hand in the circulation of the stated Press Note and in fact reported that matter to the local police. Even the RPS had taken up the matter with the Home Minister of India urging initiation of a CBI Inquiry in respect of the entire episode concerning the alleged Press Note distributed in the retaliatory Press Conference held on 11.06.2024.
6. Merely because the unsigned document is on the letter-head of **Shri XXXXXX(name redacted)**, who had held retaliatory Press Conference on 11.06.2024, it does not follow that the contents of the letter are genuine and verifiable. Any inquiry on the basis of such material, would border on undertaking a roving inquiry

especially when the RPS in his communication dated 19.06.2024 has strongly denied all the allegations of corruption made against him in the alleged Press Note and also himself moved the Home Minister for initiating CBI inquiry into the entire episode being politically motivated.

7. The fact remains that the complainant is not in a position to himself substantiate the veracity and truthfulness of the contents of the alleged Press Note circulated on 11.06.2024. The person on whose letter-head the alleged Press Note had been printed and circulated has disowned the same and has reported that matter to the local police. The scope of inquiry by the Lokpal can only be in respect of allegations of corruption; and not about the factum of genuineness or otherwise of the document, alleged to be a Press Note circulated on 11.06.2024; or to find out the real author of such a letter.
8. Similarly, the inquiry cannot be directed against the person whose letter-head has been misused and mis-utilized, as there is no allegation of corruption against him - especially when that person has publicly denied of having any hand in the circulation of such a



Press Note and reported that matter to the local police. We do not wish to undertake such a roving and speculative inquiry. In other words, for lack of verifiable information and the complaint being founded on hearsay information, no indulgence is needed in this complaint.

9. In view of the above, we decline to interfere in the present complaint; and, therefore, dispose of the same.

Sd/-
(Justice A.M. Khanwilkar)
Chairperson

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

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