



HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 1231/2020

Jagat Prakash Nadda S/o Shri Narain Lal Nadda, Aged About 59 Years, President, Bhartiya Janata Party, 6/a, Deendayal Upadhyay Marg, New Delhi.

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

Manoj Kumar Saini S/o Shri Bhagwan Saini, Ward Parshad, Ward No. 26, Municipal Council, Hanumangarh Town, Hanumangarh (Rajasthan). At Present Reisdint At New Abadi, Near Government Veternary Dispensary, Hanumangarh Town, Hanumangarh (Rajasthan).

-----Respondents



For Petitioner(s)	:	Mr. RD Rastogi, Sr. Advocate, Assisted by Mr. Anand Sharma and Ms. Sarthak Rastogi
For Respondent(s)	:	Mr. Abhishek Purohit for Mr. Farzand Ali, GA cum AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

05/05/2020

1. Learned Senior Counsel for the petitioner has drawn attention of this Court towards page no.13 of the petition, relevant portion whereof reads as follows :-

"Amit Malviya -

@amitmalviya

Sonia Gandhi claims Bhilwara tested 22 lakh people due to Rahul's warning! Wherever there is Rahul, can exaggeration and maths blunder be behind?

It is because Rahul Gandhi had issued a warning about coronavirus in February itself that states like Rajasthan got



into action fast. They ensured there were enough PPE (personal protective equipment) kits, " Sonia was quoted as having said at the video conference.

"The fact that over 22 lakh tests were done in Bhilwara is phenomenal and this could only be achieved as the state paid heed to Rahul Gandhi's warning and planned accordingly by putting in place adequate isolation wards, quarantine centres, ventilators, masks, sanitisers etc., she said."

2. Learned Senior Counsel submits that the sole averment in the FIR is regarding tweet made by Shri Amit Malviya whereas the present petitioner has no role and simply he has been alleged to be controlling the office of Shri Amit Malviya.

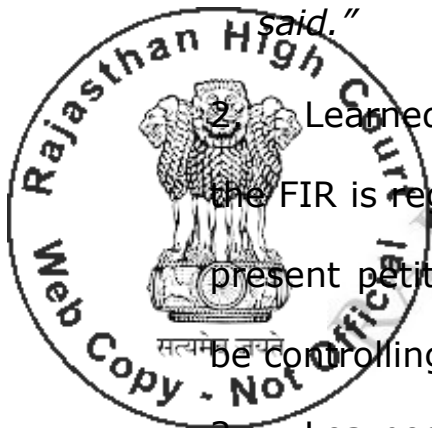
3. Learned Senior Counsel further submits that the tweet has been made from the private account of Amit Malviya and not from the official handle of the organization being headed by the present petitioner.

4. On examination, this Court prima-facie finds that the tweet has been made by Shri Amit Malviya and the present petitioner has no role in tweeting the information in question. The tweet is apparently from the private tweeting handle of Shri Amit Malviya, and therefore, no role at this stage seems to be made out against the present petitioner.

5. Issue notice.

6. Mr. Abhishek Purohit for Mr. Farzand Ali, GA cum AAG accepts notice on behalf of respondent No.1. Hence, issue notice only to respondent No.2. Rule is made returnable within six weeks.

7. In the meanwhile, effect and operation of the FIR No.216/2020 registered with Police Station Hanumangarh Town,





Hanumangarh alongwith entire proceedings pursuant thereto qua
the present petitioner shall remain stayed.

(DR. PUSHPENDRA SINGH BHATI),J

44-sudheer/-



सत्यमेव जयते