

News

In a defamation case, the Bombay High Court dismisses a magistrate's notice to HDFC MD Sashidhar Jagdishan.



The Court determined that, in violation of the criminal procedural rules, the notice was sent out too soon without first confirming the complaint.

In a criminal defamation action brought by the Lilavati Kirtilal Mehta Medical Trust, the Bombay High Court recently overturned a notice sent by a Mumbai magistrate to Sashidhar Jagdishan, the managing director and chief executive officer of HDFC Bank [***Sashidhar Jagdishan v State of Maharashtra***].

According to the Court, the warning was sent out too soon and against the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS)'s mandated protocol.

The Lilavati Trust, acting through its permanent trustee Prashant Mehta, filed the criminal defamation charge on June 16, 2025, before the Judicial Magistrate First Class (JMFC), Girgaon.

It charged Jagdishan and others with violating Bhartiya Nyay Sanhita, 2023 (BNS) Sections 356(1) (defamation), 356(2), 356(3), and 3(5).

The trust claimed that Jagdishan and HDFC Bank had purposefully defamed it in their press announcements. The Bombay High Court is also considering a civil defamation complaint in this case.

Jagdishan appealed the trial court's order to give him notice in the criminal defamation case to the High Court. He argued that the magistrate had sent out the notice on the same day it was filed, without doing the legal verification.

According to the High Court, the notice order was issued without first recording the complainant's sworn verification, which is a legal prerequisite before a magistrate can file a criminal case.

The notification was sent at the incorrect time and could not be upheld, according to **Justice SM Modak's** decision in favor of **Jagdishan**.

If we look at the timeline, we can see that when the complaint is filed, the complainant and witnesses must be verified, and the accused must be heard before a decision is made to take cognizance. In its August 5 verdict, the High Court stated that the accused's hearing could not be interpreted before the verification and any witness statements were recorded.

The lawyer representing the Lilavati trust had said that the magistrate had the right to give notice in advance because he had not yet taken cognizance of the matter.

He maintained that no cognizance may be granted without first hearing the accused, as per a proviso to Section 223, BNSS.

However, the Court dismissed this argument and made it clear that Section 223's proviso and main clause must be read together.

In the end, this proviso is only an exemption to the opening paragraph of Section 223. It said that "the main provision and the proviso must be read together" as one of the interpretation principles.

The Court also rejected a claim that **Jagdishan** was barred from contesting the notice after he had already appeared before the magistrate and requested an audience.

"There cannot be estoppel against the party if they insist on adherence to provisions of law," the Supreme Court stated.

In the end, the Court decided in **Jagdishan's** favor, holding

"It is quashed and set aside the order of issuance of notice to the proposed accused dated June 16, 2025."

However, it gave the magistrate the opportunity to start the procedure over after documenting the complaint's verification and all of the witnesses.

Under the guidance of Parinam Law Associates, senior advocates Ravi Kadam and Sudeep Passbola, as well as advocates Sandeep Singhi, Chandan Singh **Shekhawat**, **Sanskruti Harode**, and **Rohin** Chauhan, appeared for the **Jagdishan**.

On behalf of the Lilavati trust, Senior Advocate Aabad Ponda appeared with Advocates Monish Bhatia, Hemant Ingle, Minal Chandnani, Jyoti Ghag, and Ankit Singhal under the direction of Dua Associates.

NB Patil, an additional public prosecutor, represented the State.