

Lt. Gen. Raj Kadian Vs. GP Capt. (Retd.) Vinod K. Gandhi

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Present : Sh. D.C Gupta, Ld. Counsel for the complainant.
Accused Cap. (Retd.) Vinod K. Gandhi is on bail with Sh.
Sandeep Aneja, Advocate.

Heard on the point of quantum of sentence.

ORDER ON QUANTUM

2. The convict has been held guilty and convicted for the offence punishable under Section 500 IPC which prescribe the punishment of simple imprisonment for a term which may extend to two years, or with fine, or with both.

3. Learned counsel for the complainant has argued that the offence committed by the convict is serious in nature as the defamatory imputations made against the complainant, a retired Senior Army Officer, caused grave injury to his reputation, dignity and standing in society. It is submitted that reputation of a person is a valuable facet of his personality and once tarnished, the injury caused cannot easily be compensated. It is further argued that the allegations of Cowardice made by the convict were deliberate, intentional and without lawful justification and therefore the convict does not deserve any leniency.

4. *Per contra*, learned counsel for the convict has prayed for a lenient view and submitted that the convict is of advanced age and has rendered long years of distinguished service to the nation as an officer of the Indian Air Force. It is further submitted that the convict has roots in society, is not a previous convict and has faced the ordeal of criminal trial

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for a considerable period. A prayer has also been made for extending the benefit of probation.

5. Certainly, the offence of defamation strikes at the very dignity, honour and social standing of an individual. Reputation is not only a cherished personal right but also an integral facet of the right to life guaranteed under Article 21 of the Constitution of India. False and reckless allegations against a person have far-reaching consequences and cause irreparable injury to the image and esteem of the victim in society. Therefore, offences relating to defamation cannot be treated lightly.

6. In the present case, this Court while recording conviction has already held that, the complainant is a senior Army officer (Retd), who has dedicated his service to the nation and holds a position of honour and respect. Calling such an officer a “coward” is not a mere casual remark but a serious imputation touching upon his character, courage, integrity, and professional reputation.

7. The armed forces function on the foundation of bravery, discipline, and honour. Any statement questioning the courage of a serving or retired Army officer has the potential to cause serious damage to his reputation and dignity. The words used by the accused were calculated to lower the complainant esteem in the eyes of others and amount to a deliberate attack on his reputation.

8. At the same time, this Court cannot lose sight of the mitigating

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circumstances appearing in favour of the convict. The convict is a senior citizen and has served the nation as an officer (Group Captain) in the Indian Air Force. His past service record and contribution towards society, particularly welfare of Ex-Servicemen, deserve due consideration. The convict is not shown to be involved in any other criminal case (except an FIR by this complainant only) and has already undergone the stress and trauma of prolonged criminal proceedings.

9. However, having regard to the nature of allegations, the impact upon the reputation of the complainant and the overall facts and circumstances of the case, this Court is of the considered opinion that the convict does not deserve the benefit of probation. Granting probation in the present facts would dilute the seriousness of the offence and would not meet the ends of justice. The offence committed by the convict cannot be treated as a mere trivial lapse warranting release on probation.

10. Nevertheless, considering the age of the convict, his service to the nation and other mitigating circumstances, this Court is inclined to take a lenient view on the quantum of substantive sentence. Accordingly, the convict is sentenced to undergo **Simple Imprisonment for a period of four (04) months** for the offence punishable under Section 500 IPC and to pay a **fine of Rs.5,000/-**. In default of payment of fine, the convict shall further undergo **Simple Imprisonment for fifteen (15) days**. Fine paid. Receipt given. The period of detention, if any, already undergone by the

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convict during investigation/enquiry/trial shall be set off in accordance with Section 428 Cr.P.C.

11. At this stage, above-said convict/applicant has moved an application for suspension of substantive sentence till filing of the appeal. Arguments heard on the application. In view of the content as mentioned in the application as well as facts and circumstances of the case, the sentence of the convict are suspended for a period of 30 days so that he may file an appeal against the order of sentence. The aforesaid suspension is granted subject to furnishing bail bonds in the sum of ₹ 50,000/- with one surety in the like amount. Requisite surety bonds furnished, accepted and attested.

Convict is released on interim bail till **17.08.2026** and is directed to either submit the copy of bail order granted by learned appellate court or surrender in this Court on the date fixed to serve the sentence. Till then, substantive sentence so awarded to the convicts shall remain hereby suspended. Ahlmad is directed to retain one copy of this order and submit his report regarding status of this appeal on the date fixed. Copies of the judgment and order of quantum be supplied to convicts free of cost immediately. **File be consigned to the record room after due compliance.**

Date of Order: 17.07.2026
Reetu SG-II

(Hari Kishan)
Judicial Magistrate First Class
Gurugram/UID No HR00607

(Hari Kishan)
Judicial Magistrate Ist Class,
Gurugram/17.07.2026

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(Hari Kishan)
Judicial Magistrate Ist Class,
Gurugram/17.07.2026