

**SUPREME COURT OF INDIA**

Vivek Goenka

Vs.

Y.R. Patil

(K.T. Thomas and M.B. Shah JJ.)

13.01.2000

**ORDER**

1. Leave granted.
2. There is no reason to quash the prosecution at this stage as against accused No. 1 and 4.
3. It is for the accused concerned to show that they are protected by one of the Exceptions in Section 499 of I.P.C. as publication is also undisputed.
4. However, we do not think it necessary to retain accused Nos. 2 and 3 in the array of the accused as their connection with the publication is too remote even on the averments made in the complaint. Hence, we order them to be deleted from the party array. Accused Nos. 1 and 4 in the complaint will be re-ranked as accused Nos. 1 and 2 and would be proceeded against. It is open to those accused to apply for exemption from personal appearance and on such application being made the trial Court shall exempt them from personal appearance on the following conditions:
  1. A counsel on their behalf would be present in the Court whenever their case is taken up.
  2. They will not dispute their identity as the accused in the case.
  3. They will be present in Court when such presence is imperatively needed.
5. With these directions the appeal is disposed of.