

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

6th August, 2018

Appeal No. 15/2018

**Present: CHIEF JUSTICE (RETD.) MANMOHAN SARIN, CHAIRPERSON,
FCAT
MS. POONAM DHILLON, MEMBER, FCAT**

IN THE MATTER OF:

AVINAASH JUMANI

.....

APPELLANT

VERSUS

**CENTRAL BOARD OF FILM
CERTIFICATION(CBFC),MUMBAI**

.....

RESPONDENT

APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 (37 OF 1952) AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION (CBFC) IN RESPECT OF ENGLISH FILM "KICK BOXER: VENGEANCE".

**FOR THE APPELLANT: Rakesh Kapoor [Authorized
Representative]
Ajay Chauhan, [Assistant]**

FOR THE RESPONDENT: Atul Gautam, (ARO, CBFC, New Delhi)

ORDER

Chief Justice (Retd.) Manmohan Sarin:-

This appeal under Section 5 C of the Cinematograph Act, 1952 has been filed by the Appellant Mr. Avinassh Jumani. The appellant is aggrieved by the order of the Examining Committee of the CBFC dated 11th July, 2018 granting "A" Certification to the film "KICK BOXER:VENGEANCE" (ENGLISH). The reason for grant of "A" Certificate to the film is stated to be "*Theme, visuals, lot of violent/gory fights scenes suitable for adult viewing.*"

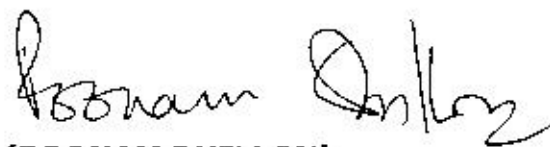
2. The film was screened on 5th August, 2018; we have viewed the film and also heard Mr. Rakesh Kapoor [Authorised Representative] of the Appellant and Mr. Atul Gautam [ARO] representing CBFC. The film is based on attaining excellence in martial arts for picturization of the martial arts competition and fight scenes, fist kicks and quick reflexes are required. Such competition/challenges often result in injuries and at times casualty which is regarded as integral part of the sport. Looking at it from the said perspective and currently prevalent norms and standards, it cannot be said that the film contains violence/gory fights which are not required by the context.

3. It is well-directed and short film with the appellant having already offered voluntary cuts of duration of **46 second and 23 frames**. The appellant during the course of hearing had indicated that the Tribunal could direct any additional cut if it so desired and the appellant would abide by it.

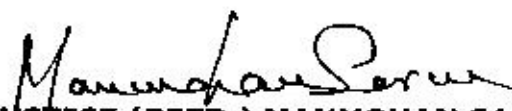
4. We are of the view that the scene at **1.24.40 to 1.25.21** contains extensive violence that need not be shown. Accordingly, we direct deletion of the said scenes. Further it has also been brought to our notice that the Censor Board itself has granted "UA" Certification to a later similar movie of the said series titled "**KICK BOXER: RETALIATION**" (ENGLISH) vide their order of 23rd July, 2018, after imposing requisite cuts.

We accordingly set aside the impugned order and direct issuance of "UA" Certificate with parental caution with the cuts as directed hereinbefore.

Ordered accordingly.



(POONAM DHILLON)
MEMBER, FCAT



(CHIEF JUSTICE (RETD.) MANMOHAN SARIN)
CHAIRPERSON (FCAT)