

No. N-13011/11/2024 BC-II
Government of India
Ministry of Information & Broadcasting
'A'-Wing, Shastri Bhawan, New Delhi

Dated: ~~the~~ 20th September, 2024

To,

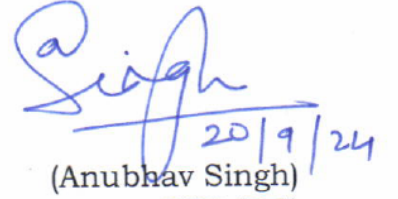
1. All Private TV Channels.
2. Publishers of news and current affairs content on digital media.
3. Social Media Intermediaries.
4. Newspapers registered under Press & Registration of Periodicals Act, 2023.

Subject: Hon'ble High Court of Karnataka's Order dated 10.09.2024 passed in WP No. 24836 of 2024 - Mr. Darshan Srinivas Vs. UOI & Anr. - reg.

I am directed to enclose herewith a copy of Order dated 10.09.2024 passed by Hon'ble High Court of Karnataka in WP No. 24836 of 2024 - Mr. Darshan Srinivas Vs. UOI & Anr.

2. All concerned may ensure strict compliance to the aforesaid Order and directions of the Hon'ble High Court.

Encls: As above.

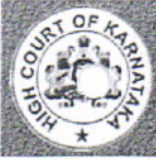

20/9/24

(Anubhav Singh)
OSD (BC)

Tele No. 011-23386394

Copy to:

1. Self Regulatory Bodies of TV channels registered under the Cable Television Network (Amendment) Rules, 2021.
2. Self Regulatory Bodies under Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
3. The Associations/ Bodies of Electronic media.
4. Digital Media Division.
5. Press Council of India (with respect to Print Media).



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Status: Pending

Case Number: WP 24836/2024
(KAHC010527222024)

Classification: GM RES

Date of Filing: 09/09/2024 13:42:35

Petitioner: MR DARSHAN SRINIVAS

Petitioner Advocate: PRATHAM N

Respondent: UNION OF INDIA

Respondent Advocate: RESHMA K T

Filing No.: WP 24654/2024

Judge: HEMANT CHANDANGOUDAR

Last Posted For: FRESH MATTER/S

Last Date of Action: 10/09/2024

Last Action Taken: NOTICE

Next Hearing Date:

Daily Orders: WP 24836/2024

1

HEMANT CHANDANGOUDAR

10/09/2024

Daily Orders for Case WP 24836/2024

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	HEMANT CHANDANGOUDAR	09/09/2024	<p>The learned Additional Government Advocate accepts notice for the respondent No.2. Sri Prabhulinga Navadgi, learned Senior Counsel representing the petitioner's counsel submits that the Bombay High Court in the case of Nilesh Navalakha & ors. -vs- Union of India - (2021) SCC OnLine Bom 56 has laid down the following guidelines: "a. In relation to death by suicide, depicting the deceased as one having a weak character or intruding in any manner on the privacy of the deceased; b. That causes prejudice to an ongoing inquiry/investigation: i) Referring to the character of the accused/victim and creating an atmosphere of prejudice for both; ii) Holding interviews with the victim, the witnesses and/or any of their family members and displaying it on screen; iii) Analyzing versions of witnesses, whose evidence could be vital at the stage of trial; iv) Publishing a confession allegedly made to a police offer by an accused an trying to make the public believe that the same is a piece of evidence which is admissible before a Court and there is no reason for the Court not to act upon it, without letting the public know the nitty-gritty of the Evidence Act, 1872; v) Printing photographs of an accused and thereby facilitating his identification; vi) Criticizing the investigative agency based on half-baked information without property research; vii) Pronouncing on the merits of the case, including pre-judging the guilt or innocence qua an accused or an individual not yet wanted in a case, as the case may be; viii) Recreating/ reconstructing a crime scene and depicting how the accused committed the crime; ix) Predicting the proposed/future course of action including steps that ought to be taken in a particular direction to complete the investigation; and x) Leaking sensitive and confidential information from materials collected by the investigating agency; c. Acting in any manner so as to violate the provisions of the programme Code as prescribed under section 5 of the CTVN Act read with rule 6 of the CTVN Rules and thereby inviting contempt of court; and d. Indulging in character assassination of any individual and thereby mar his reputation." However, the Electronic Media contrary to the guidelines are broadcasting on their respective channels adverse to the prejudice to the case of the petitioner - accused in Crime No.0250/2024. He further submits that in an identical circumstances, the Delhi High Court in the case State of NCT Delhi -vs- Union of India and ors. - (WP (Crl.) 1090/2023 has directed the respondent No.1-Union of India to pass appropriate orders to media agencies from publishing, printing and disseminating confidential information contained in the charge sheet and the other such material collect during the course of information in relation to the case FIR No.659/2022 and shall ensure that guidelines such issued be complied with. Sri Aravind Kamath, learned Additional Solicitor General for the respondent No.1 submits that if complaint is filed, an appropriate action will be taken in accordance with law. In the absence of complaint/ representation, a direction as sought for by the petitioner cannot be issued. List on 10.9.2024.</p>
2	HEMANT CHANDANGOUDAR	10/09/2024	<p>Learned counsel for the petitioner files a memo seeking impleadment of news channels/media houses/electronic media and other social platforms as co-respondents who are allegedly airing, printing and publishing the contents of the charge sheet in relation to Crime No.0250/2024 registered by the Kamakshipalya Police Station. The memo is placed on record. Petitioner is permitted to implead the proposed respondents as respondents 3 to 40 and file the amended cause title. Sri Prabhulinga Navadgi, learned Senior Counsel representing the petitioner's counsel submits that the Bombay High Court in the case of Nilesh Navalakha & ors. - vs- Union of India - (2021) SCC OnLine Bom 56 has restrained the press/ media from printing/displaying any news item and/or initiating any discussion/debate/interview of the nature, as indicated hereunder: "a. In relation to death by suicide, depicting the deceased as one having a weak character or intruding in any manner on the privacy of the deceased; b. That causes prejudice to an ongoing inquiry/investigation: i) Referring to the</p>

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character of the accused/victim and creating an atmosphere of prejudice for both; ii) Holding interviews with the victim, the witnesses and/or any of their family members and displaying it on screen; iii) Analyzing versions of witnesses, whose evidence could be vital at the stage of trial; iv) Publishing a confession allegedly made to a police offer by an accused an trying to make the public believe that the same is a piece of evidence which is admissible before a Court and there is no reason for the Court not to act upon it, without letting the public know the nitty-gritty of the Evidence Act, 1872; v) Printing photographs of an accused and thereby facilitating his identification; vi) Criticizing the investigative agency based on half-baked information without property research; vii) Pronouncing on the merits of the case, including pre-judging the guilt or innocence qua an accused or an individual not yet wanted in a case, as the case may be; viii) Recreating/ reconstructing a crime scene and depicting how the accused committed the crime; ix) Predicting the proposed/future course of action including steps that ought to be taken in a particular direction to complete the investigation; and x) Leaking sensitive and confidential information from materials collected by the investigating agency; c. Acting in any manner so as to violate the provisions of the programme Code as prescribed under section 5 of the CTVN Act read with rule 6 of the CTVN Rules and thereby inviting contempt of court; and d. Indulging in character assassination of any individual and thereby mar his reputation." However, the Electronic Media contrary to the guidelines are broadcasting on their respective channels prejudice to the case of the petitioner - accused in Crime No.0250/2024. He further submits that in an identical circumstances, the Delhi High Court in the case State of NCT Delhi -vs- Union of India and ors. - (WP (Crl.) 1090/2023 has directed the respondent No.1-Union of India to pass appropriate orders to media agencies from publishing, printing and disseminating confidential information contained in the charge sheet and the other such material collect during the course of information in relation to the case FIR No.659/2022 and shall ensure that guidelines such issued be complied with. Learned Senior Counsel further submits that the wife of the petitioner had filed a suit in O.S.No.6082/2024 for permanent injunction against the media channels and the jurisdictional Civil Court by order dated 27.08.2024 restrained the defendants therein by way of ex-parte ad-interim temporary injunction order, from airing, printing, publishing any statement in relation to the investigation being undertaken by Kamakshipalya Police Station against Sri. Darshan Srinivas, who is arraigned as accused No.2 and from airing, printing, publishing any statement about the final reports, confessional statements and holding debate/discussion/interview on the final report pertaining to FIR No.0250/2024 pending adjudication before the XXIV ACMM Court, Bengaluru. Despite the ex-parte ad-interim order granted, the media channels continue to air, print, publish and disseminate the confidential information contained in the charge sheet in relation to the said crime. The Hon'ble Supreme Court in the case of Sidhartha Vashisht Alias Manu Sharma vs. State (NCT of Delhi) - (2010) 6 SCC 1, has ruled that despite the significance of the print and electronic media in the present day, it is not only desirable but least that is expected of the persons at the helm of affairs in the field, to ensure that trial by media does not hamper fair investigation by the investigating agency and more importantly does not prejudice the right of defence of the accused in any manner whatsoever and it will amount to travesty of justice if either of this causes impediments in the accepted judicious and fair investigation and trial. Clause (5) of the Cable Television Networks (Regulation) Act, 1995 states that no person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code. Rule 6 of the Cable Television Networks Rules, 1994 narrates the program code and it states that, no programme should be carried in the cable service which: (a) xxxxxxx (b) xxxxxxx (c) xxxxxxx (d) Contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half truths; (e) xxxxxx (f) Contains anything amounting to contempt of court; (g) xxxxxxx (h) xxxxxxx (i) Criticises, maligns or slanders any individual

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in person or certain groups, segments of social, public and moral life of the country ; (j) xxxxxxx (k) xxxxxxx (l) xxxxxxx (m) xxxxxxx (n) xxxxxxx (o) xxxxxxx Following the order of the Division Bench of this Court in W.P.No.7026/2021, the Government of Karnataka has issued a Circular dated 11.08.2021, whereby the following directions have been issued to the police personnel of Karnataka who have been entrusted with the task of investigation of any crime: a) No police personnel shall brief and disclose to the print, electronic and social media about the nature of the investigation under progress, the materials collected during the investigation, before completion of the entire investigation and before acceptance of final report of the investigation by the competent jurisdictional courts. b) No police personnel shall disclose and share the identity of the complainant and the accused in connection with the crime under investigation, to the print, electronic and social media until the completion of the investigation and before acceptance of final report of the investigation by the competent jurisdictional courts. c) All police personnel in the State should strictly adhere to the guidelines issued through this Circular, in addition to the Circulars instructions that have been already issued by the DG&IGP has referred above. d) Any lapses in this regard by any police personnel will be viewed seriously and it would attract immediate disciplinary action against such police personnel by the concerned disciplinary authority. e) Any lapses in this regard will be considered as a serious misconduct on the part of concerned officer and in addition to disciplinary action against such officer, if warranted, criminal action may also be initiated against such officers. f) However, the information relating to registration of FIR can be disseminated as per the direction of Hon'ble Supreme Court of India in WP.(CRL) No.68/2016 and in the light of section 41C of the CrPC. Except for the compliance of section 41C and directions of Hon'ble Supreme Court of India in WP.(CRL) No.68/2016, the instructions / directions issued in the present Circular would be applicable in full force and strict sense." Sri Aravind Kamath, learned Additional Solicitor General for the respondent No.1 submits that if complaint is filed, an appropriate action will be taken in accordance with law. Petitioner has established a prima facie case to grant an ex-parte interim order. Accordingly, I pass the following: ORDER (i) Respondents 3 to 40 are hereby restrained from publishing, printing, airing and disseminating confidential information contained in the charge sheet in relation to Crime No. 0250/2024 registered by the Kamakshipalya Police Station, till the next date of hearing. (ii) Respondent No.1 to communicate this order to respondents 3 to 40. Needless to state that respondent No.1 to take appropriate action against respondents 3 to 40, if they telecast, print, air or publish any statements in violation of the Cable Television Networks Rules, 1994. Issue emergent notice to respondents 3 to 40.