



also records the observation of this Tribunal that it did not have the statutory power to condone the delay of over 60 days in filing of the appeal under section 5C of the Cinematograph Act, 1952.

3. After the screening of the film, Mr. Gopal Singh, Learned Counsel for the Appellant, during the hearing, explained that the Appellant had selected the option of filing an appeal before the FCAT on CBFC's website. This exercise of selecting the option on 17<sup>th</sup> February, 2019 had been taken by the Appellant as filing of an appeal online. Thus, no separate text of appeal is available with the Appellant, giving the grounds etc. This was in response to the query by the Tribunal, if they could produce the text of the appeal preferred online.

4. The Appellant's grievance and allegation is that after the screening of the film before CBFC on 8<sup>th</sup> January, 2019, three oral directions were given by Regional Officer, Central Board of Film Certification, CBFC, Bangalore. These directions were:

(i) To reflect Sub-Titles in English on screen with scenes.

(ii) Disclaimer for use of drugs wherever drugs shown,

(iii) In scenes showing animals, either to take a certificate from Animal Welfare Board for use of animals or to blur the portion of animal use.

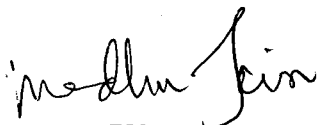
5. Further, Shri D. N. Sreenivasappa RO, CBFC (Bangalore) who was present during the hearing, stated that it was indicated to the Appellant that only 'A' Certification, could be granted soon after the screening of the film before the CBFC. Accordingly, CBFC issued show cause notice on 24<sup>th</sup> January, 2019, which the Appellant had accepted. It was emphatically stated by him that it was wrong to say that R.O. gave any "oral directions" since the Examining Committee decides about the certification. The above-mentioned directions are the standard norms for issuance of certificates and do not entail change in conversion of category.

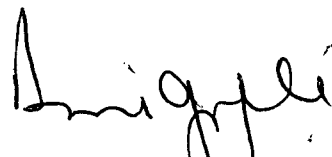
6. Mr. Gopal Singh, Learned Counsel for the Appellant, in support of the Appeal and Shri D. N. Sreenivasappa RO, CBFC (Bangalore) in opposition, had been fully heard. Our concerns were made known to the Appellant's Counsel who submitted that he would seek instructions regarding withdrawal/further prosecution of the Appeal and would revert within a week, failing which, we would proceed to judgment.

7. An application dated 1<sup>st</sup> August, 2019 signed by the Counsel, enclosing the proceedings of 26<sup>th</sup> July, 2019 with request for permission to withdraw the present appeal has been received. In the circumstances, the Appellant is permitted to withdraw the Appeal which is dismissed as withdrawn.

MS  
MJ

It is for the Appellant to approach the Regional Office of CBFC Bangalore, for issuance of 'A' Certification for the Film in terms of the order dated 24<sup>th</sup> January, 2019.

  
**MADHU JAIN**  
**MEMBER (FCAT)**

  
**BINA GUPTA**  
**MEMBER (FCAT)**

  
**SHEKHAR IYER**  
**MEMBER (FCAT)**

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