

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1090/2023

STATE OF NCT DELHI

..... Petitioner

Through: Mr. Amit Prasad, Spl.P P. with Mr. Madhukar Pandey, SPP and Mr. Ayodhya Prasad, Mr. Dhruv Pande, Ms. Ruchika and Ms. Nizaz Baladawala, Advocates.
DCP Ms. Chandan Chowdhary
Insp. Ram Singh and Insp. Manoj Kumar, P.S.Mehrauli.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr.Akshay Bhandari with Mr.Anmol Sachdeva, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

19.04.2023

%

CRL.M.A. 10296/2023 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1090/2023 & CRL.M.A. 10295/2023 (ex-parte stay)

1. State-petitioner has preferred the present petition under Article 226 of the Constitution of India with the following prayers:

“A. Issue a writ, order or direction in the nature of mandamus or any other appropriate writ directing the Respondent No. 1 to pass appropriate orders to restrain media agencies from publishing, printing and disseminating confidential information contained in the charge sheet and other such materials collected during the course of investigation in relation to case FIR No. 659/22, under Sections

365/302/201 PS Mehrauli titled "State vs Aaftab Amin Poonawala";

B. Pass appropriate orders against the Respondent No. 2 to ensure that the digital evidences procured by the Respondent No. 2 through unauthorized means is submitted before this Hon'ble Court;

C. Pass any other order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the present case, in the interest of justice, equity and fairplay."

2. It is submitted by learned Special Public Prosecutor appearing on behalf of the State-petitioner that an application was preferred by the State before the trial court seeking appropriate orders directing "Aaj Tak" channel and other media channels not to telecast the case material in respect of FIR No. 659/2022, P.S.Mehrauli. It is further submitted by learned Special Public Prosecutor that an undertaking was given by the "Aaj Tak" Channel that they shall not telecast/publish/disseminate the contents of Psychological Assessment, Voice Layered Test, Narco Analysis and conversation recorded on the App of Dr. Practo as well as the other documents and the chargesheet and CCTV Footage, relating to this case. It is further submitted by learned Special Public Prosecutor that all the material may have landed in the hands of other channels also, and in case, the said material is displayed/telecast or published in media channels, the same may cause prejudice to the fair trial of the case, and will prejudice the case not only of the prosecution but also that of the accused. He further submitted that since the State is not aware as to which other channels are having the access to the said material, so he submitted that directions be issued to Respondent no.1/UOI through the Secretary, Ministry of Information and Broadcasting directing the Ministry to issue appropriate notification/guidelines, not to telecast/display or publish

any material relating to this case by any of the media channels. He further submitted that the matter is *sub judice* and no media channel whatsoever can be allowed to telecast the material relating to a *sub judice* case.

3. Issue notice. Learned counsel for respondent no.3 appears on advance notice and accepts notice. He submitted that respondent has been granted police protection as he was beaten up by the public when he was produced in the court and in case the media channel telecasts any material relating to the case of the respondent, it will have cascading effects on his security.

4. Issue notice to respondent no.1 and 2 by all permissible modes on the State-petitioner taking the necessary steps returnable on 3rd August, 2023.

5. In the meanwhile, any media channel if having access to the above said material shall not display/telecast any material connected with the case.

6. The respondent no.1/Union of India is directed to pass appropriate orders to media agencies from publishing, printing and disseminating confidential information contained in the chargesheet and the other such material collected during the course of information in relation to the case FIR No. 659/2022, P.S. Mehrauli and shall ensure that guidelines such issued be complied with.

Copy of the order be given *Dasti*, as prayed.

RAJNISH BHATNAGAR, J

APRIL 19, 2023/ib