

राकेश कुमार सिंह  
RAKESH KUMAR SINGH  
अतिरिक्त सत्र न्यायाधीश-05  
Additional Sessions Judge-05  
दक्षिण कोर्ट नं. 03, प्रथम तल  
South Court No. 03, 1st Floor  
खण्ड-01, नई इमारत  
Block No. 01, New Building  
साकेत कोर्ट परिसर, नई दिल्ली  
Saket Court Complex, New Delhi

STATE Vs. Aaftab Amin Poonawala  
FIR No. 659/2022 PS Mehrauli

10.04.2023

Present: Sh. Vinod Sharm, I.d. Chief PP for the State.  
Sh. Amit Prasad, I.d. SPP for the State.  
Inspector Ram Singh in person.

This is an application moved by Inspector Ram Singh for issuance of orders to Aaj Tak and other media channels not to telecast the materials in respect of FIR No. 659/2022, PS Mehrauli. The application has been placed before me as Presiding Officer of the concerned court is on half day leave.

Arguments heard.

It is brought to my notice that Aaj Tak News Channel is contemplating to telecast some recordings/ transcript of (Narco, Dr. Practo etc.) which was recorded during the investigation of the case. I.d. Prosecutors claim that such telecast would be damaging not only for the case but also will impact the accused and the family of victim. They also claim that law and order situation may be disturbed due to public sentiments involved in the case.

I am of the view the application needs to be heard at length not only from the side of the State but also from the side of Aaj Tak News Channel. For this, let the State to serve a copy of application on the Aaj Tak Channel (by the name of company) which shall be at liberty to file a response.

Pertinently the submission of the prosecutors is that recordings/transcripts have already been made part of the court record. In such circumstances, no party or person can utilize anything which is related to a court record without the permission of the court. It is already a settled

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law that chargesheet is not a public document. Therefore, it cannot be made available for public consumption. Delhi High Court Rules envisage that third person cannot obtain copy of judicial record in a pending case unless sufficient reason is shown to the satisfaction of the court. Therefore, if a person/entity has even if received anything related to a judicial record in any manner (legal or illegal), he/it cannot be at liberty to utilize the same without obtaining permission from the court. This concept is equally applicable to any party who has received any copy of the judicial record from the court. Even such party can utilize the record only for the purpose for which it was obtained.

When the Article 21 of the Constitution protects the life and liberty of a person, it also contemplates a protection of psychological state of mind of such person. Any dissemination of sensitive information pertaining to a murder case will definitely result in psychological repercussions on the accused and also on the victim's family.

The aforesaid is a prime facie view and detailed hearing will be given to both the sides. However, since if immediate order is not passed, the application itself will be rendered infractions, this court is of the view that till the next date, Aaj Tak News Channel shall not utilize in any form any material related to FIR No. 659/2022, PS Mehrauli.

A copy of this order be given Dasti to the IO.

Matter be taken up on 17.04.2023 for detailed hearing.



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(Rakesh Kumar Singh)  
1st Link ASJ-05(South), Saket Courts,  
Delhi/10.04.2023

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Attested

True copy

by  
(Assumed)