

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL/CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION CJ-LD-VC. NO. 92623 OF 2020

IN

CIVIL PUBLIC INTEREST LITIGATION (ST) No.92252 OF 2020

Nilesh Navlakha & Ors. ... **Applicants**

In the matter between :

Nilesh Navlakha & Ors. ... **Petitioners**

Versus

Ministry of Information and
Broadcasting the Secretary//Joint
Secretary & Anr. ... **Respondents**

Mr.Siddarth Bhatnagar, for the Petitioners with Mr.Devdatta Kamat, Senior Advocate with Mr.Rajesh Inamdar, Mr.Sushant Anand, Mr.Pankaj Kandhari, Ms.Smita Pandey, Mr.Aditya Bhat, Mr.Amit Pai, Mr.R.Shaikh, Mr.Saif Alam and Mr.Ankur Azad i/b. Mr.Pankaj Kandhari, for the Petitioners.

Mr.P.P.Kakade, Govt.Pleader with Ms.R.A.Salunkhe, AGP for the State.

Mr.Anil Singh, Addl. Solicitor General with Mr.Sandesh Patil with Mr.Aditya Thakkar, Mr.Amogh Singh, Ms.Apurva Gupte, Mr.Chintan, Mr.Mayur Jaisingh, Mr.Sumedh Sahakari & Mr.D.P.Singh, Ms.Reshma Ravpati, Mr.Saurabh Pabulkar and Medvita Trivedi for Respondent - Union of India and CBI.

Mr.Devdhar Kamat, for Respondent No.1.

**WITH
CRIMINAL PUBLIC INTEREST LITIGATION No.1774 OF 2020**

Mahesh Narayan Singh & Ors. ... **Petitioners**
Versus

Union of India & Ors. ... Respondents

Dr.Milind Sathe, Senior Advocate for the Petitioners.

Mr.Anil Singh, Addl. Solicitor General with Mr.Sandesh Patil with Mr.Aditya Thakkar, Mr.Amogh Singh, Ms.Apurva Gupte, Mr.Chintan, Mr.Mayur Jaisingh, Mr.Sumedh Sahakari & Mr.D.P.Singh, Ms.Reshma Ravpati, Mr.Saurabh Pabulkar and Medvita Trivedi for Respondent no.1- Union of India and CBI.

Mr. Deepak Thakare, Public Prosecutor with Mr. S. R. Shinde, APP for the State.

Mr.Bharat Manghani for respondent no.3.

Ms.Nisha Bhambhani i/b. Bharat Manghani, for Respondent no.4.

Ms.Madhavi Doshi for respondent no.8.

**CORAM : DIPANKAR DATTA CJ &
G.S.KULKARNI, J.**

DATED : SEPTEMBER 10, 2020.

P.C. :

1. These two PIL petitions seek to address a common concern, i.e., alleged interference of the media in covering incidents following transfer of the investigation (into the

unnatural death of a film actor, Sushant Singh Rajput) to the Central Bureau of Investigation (hereafter “the CBI”, for short) by the Supreme Court of India as well as separate investigations being conducted by the Enforcement Directorate (hereafter “ the ED”, for short) and the Narcotics Control Bureau (hereafter “the NCB”, for short) vis-a-vis other violations of law which such agencies are otherwise empowered to investigate. By an order dated September 3, 2020, a coordinate bench of this Court, *inter alia*, invited the respondents to file their reply affidavits. It was also observed by the Court that the relevant respondents ought to exercise restraint in course of reporting events pertaining to the investigations being conducted by the appropriate agencies in such a manner that the ongoing investigations are not hampered or prejudiced.

2. By filing Civil Interim Application No.92623 of 2020, the petitioner in PIL St.No.92252 of 2020 seeks impleadment of six additional respondents.

3. We do not see reason to implead the proposed respondent no.12, who is one of several accused and presently in judicial custody. The prayer made for her impleadment is refused. However, the other proposed respondents, i.e. the NCB, the ED, ABP News, India TV and News Nation, are impleaded as respondents, for, in our view presence of such parties would enable the Court to address the concerns expressed in the PIL petitions effectively.

4. Civil Interim Application no.92623 of 2020 is accordingly disposed of.

5. We are informed by Mr.Anil Singh, learned Additional Solicitor General that a reply affidavit has been filed on behalf of the Union of India. According to him, the petitioners ought to complain before the appropriate authority if they have any grievance with regard to the contents of any news item and such authority may be directed to decide the complaint according to law.

6. We are further informed by the learned Advocate for the respondent no.8 in PIL St.No.92252 of 2020 (Republic TV) that it has also filed an affidavit-in-reply.

7. Dr. Sathe, learned Senior Advocate for the petitioners files an additional affidavit and contends that the order dated September 3, 2020 notwithstanding, the media has not exercised restraint. He further submits that the PIL petition raises concerns, which cannot be examined by a non-statutory body like the News Broadcasting Standards Authority (hereafter “the NBSA”, for short) and, therefore, the concerns raised by the petitioners being of a very serious nature ought to be examined by the Court.

8. On behalf of the petitioners, it has also been urged that although the CBI has maintained secrecy, the other agencies may not have been so particular and that information, supposed to be kept confidential, is being leaked.

9. Ms. Nisha Bhambhani, learned Advocate for the NBSA submits that it has since received a number of

complaints from viewers concerning alleged misreporting by some of the media groups and that the NBSA, having a retired Judge of the Supreme Court in the chair, is in the process of looking into such complaints.

10. Mr.Manghani, learned Advocate for News Broadcasters Association, which is a common respondent in both the PIL petitions, has submitted that there are certain news broadcasters who are members of a federation called 'News Broadcasters Federation'. According to him, such federation may also be impleaded as a party respondent.

11. The 'News Broadcasters Federation', in our opinion, is a proper party in these proceedings and accordingly, we direct its impleadment. The address of the federation shall be furnished to the respective learned Advocates-on-Record for the petitioners during the course of the day, for such federation to be included in the array of the respondents.

12. We find that none of the media groups, viz. respondent nos.6 to 11 and ABP News, India TV and News

Nation are respondents in Criminal PIL (St) No.1774 of 2020. All these media groups shall be impleaded as respondents in the said Criminal PIL.

13. Office shall proceed to incorporate the names of the added respondents in the cause title of both the petitions without any delay.

14. Mr.Inamdar, learned Advocate led by Mr.Kamat, learned Senior Advocate for the petitioners in PIL (St) No.92252 of 2020 seeks liberty to file an additional affidavit to bring on record subsequent events.

15. Liberty, as prayed for, is granted. Let the additional affidavit be filed by tomorrow positively, with copies to all the respondents.

16. Issue notice to the added respondents, returnable on October 8, 2020. All the respondents may file their composite reply affidavits dealing with the PIL petitions and the additional affidavits by September 30, 2020; rejoinder affidavits thereto, if any, may be filed by October 6, 2020.

17. Pendency of these PIL petitions shall not preclude the NBSA (respondent no.4 in Criminal PIL (St) No.1774 of 2020) to consider the complaints that have been received by it and to take appropriate action thereon in accordance with law. The resultant decisions may be incorporated in the affidavit to be filed by such respondent.

18. We hope and trust that the spirit of the order dated September 3, 2020 shall be adhered to by the media houses and all concerned in the meanwhile.

19. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

G.S.KULKARNI, J.

CHIEF JUSTICE