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Supreme Court Bench headed by Justice Ashok Bhushan will hear today pleas filed by director, producer, writer & actors of the web series Tandav to quash criminal proceedings initiated against them for allegedly hurting religious sentiments.

#Tandav @Mdzeeshanayyub @aliabbaszafar



The petition has been filed by Director @aliabbaszafar, Producer @iHimanshuMehra, Writer @_gauravsolanki, Actor @Mdzeeshanayyub and @PrimeVideoIN @amazonIN Original Head @aparna1502.

#Tandav #WebSeries #SupremeCourt

Last week, the Bombay HC had granted transit anticipatory bail to Tandav web series director Ali Abbas Zafar, producer Himanshu Mehra, Amazon content head Aparna Purohit and writer Gaurav Solanki enabling them to seek regular pre-arrest bail from Uttar Pradesh.

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Details of the Bombay HC order can be found here. ■■

'Tandav' Series Row : Bombay High Court Grants Transit Pre-Arrest Bail To Director, Producer, Writer, Amazon Content Head

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https://t.co/WURpVQp8oO

Sr. Adv. Fali S. Nariman will be appearing in the matter.

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Matter has commenced.

Sr. Adv. Fali Nariman submits that the petition itself on 22nd Jan states that objectionable parts which is not considered objectionable has been removed.

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Nariman: Even after this, 7 more FIRS have been filed. Nothing survives in this matter. But let notice go to them. But, in the meanwhile, nothing should be done. The so-called religious sentiments that were hurt by some parts; these parts have been removed.

Bench: You ultimately want the FIRs to be quashed. Why not go to the HCs and pray for this ?

Nariman: It's in 6 states. And it's increasing everyday. There's some sort of concert in this and we want to avoid it.

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Nariman: Now we have 7 in the last 5 days.

Bench: Mr. Nariman, why a 32 petition ?

Nariman: It's a question of 19(1)(a). Even in Arnab Goswami case, it was done. We can't be asked to go to all the HCs.

Nariman: Their ego was hurt, and we have removed it and assuaged it.

Bench: Mr. Nariman, investigation has started and a closure report will also be filed.

Nariman: In 6 different States.

Bench: Mr. Nariman, I request you to take this to the respective HC.

Sr. Adv. Mukul Rohatgi states that he is supporting what Mr. Nariman is saying.

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Rohatgi: People are now offended by everything ! The Petitioners reside in Bombay. Why will they go to different States. In Arnab Goswami, your Lordships stated that violation of 19(1)(a) could allow us to approach SC.

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Rohatgi: At least club all the FIRs. In Mr. MF Hussain's case, I came to SC and argued it. And the same was held.

Rohatgi: Even though we admit that we have not done anything wrong. It is a political satire. If people are so sensitive in everything, then art, cinema, TV, all will be destroyed.

Rohatgi: Article 19(1)(a) is the most jealously guarded right. It must be protected. This was also held in Arnab Goswami.

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Sr. Adv. Sidharth Luthra now makes submissions on right to freedom of speech and expression.

Bench: Your right to freedom of speech is not absolute.

Luthra: But is this the kind of harassment I should be put to ?

Luthra: Look at the FIR. Look at the kind of language. Is this the kind of FIRs that can be registered in this country. Learned senior (Rohatgi) has said the same. We cannot be dragged from state to state.

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Matter will now be heard after lunch.

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#TandavMatter hearing resumes before bench led by Justice Ashok Bhushan.

Sr Adv FS Nariman continuing submissions.

Sr Adv Sidharth Luthra now making submissions.

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Luthra submits that Sections 66/67 of IT Act and Section 153A IPC are not attracted in the case.

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Justice Bhushan : How can we decide under Article 32 if offences are made out?

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Luthra refers to the decision in (2002) 2 SCC 210.

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Luthra : Any person complaining of violation of fundamental rights can move under Article 32.

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Luthra now cites (2009) 10 SCC 100 to say that there cannot be more than one FIR in same cause of action.

'This is persecution not prosecution', he adds.

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Luthra : Principle laid down in TT Anthony case has been ignored. I am being dragged all over the country.

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Luthra refers to precedents to state that SC has stayed multiple FIRs when the 'substratum of allegations' in them are the same.

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Luthra : The series is an analytical series about political issues, social issues. Even though there was no objectionable content, we removed them after complaints.

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Luthra : People when they see the series on the OTT platform, they consent to see it.

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Luthra : Just see the nature of exercise of powers. Assuming the FIRs are legitimate, as per principles in TT Antony Case, which is followed in other judgments, the multiple FIRs on same cause of action are impermissible.

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Some connectivity problem with Luthra.

Now Adv Siddharth Agarwal making submissions for Mohammed Zeeshan Ayyub

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Agarwal : The statements of the character cannot be attributed to the actor.

Justice Shah : You accepted the contract after reading the script. You cannot hurt religious sentiments.

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Agarwal (for Ayyub @Mdzeeshanayyub) : Views of the character cannot be ascribed to the actor.

Justice Shah : How can this be considered under Article 32.

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Sr Adv Mukul Rohatgi refers to the Arnab Goswami judgment where multiple FIRs were quashed under Article 32.

Justice Shah says there is another judgment which refused to quash such FIRs after Goswami case.

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Rohatgi : I am saying this is a matter for consideration. Cannot be thrown out at threshold.

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Rohathi : This is a genuine innocent case. We have done no wrong. Every day there is a new FIR. Where will a man go? Can he go to every state and argue? Your lordships may at least club the FIRs.

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Rohatgi : This case will put a lot of people under great harassment. Articles 14 and 21 will be brushed aside if your lordships do not interfere.

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Luthra is now back on the screen. Refers to the TT Antony case.

Justice Shah : We have read it(the decision)

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Information : Sr Adv Mukul Rohatgi is appearing for Amazon India Creative Head Aparna Purohit.

Luthra for the producer, director and writer of the show (Himanshu Mehra, Ali Abbas Zafar and Gaurav Solanki)

Sidharth Agarwal for actor Ayyub.

Justice Shah : We will consider the prayer for clubbing of FIRs.

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Rohatgi : We also need protection. We will be arrested by six different state polices.

Justice Shah : We cannot use the power under Section 482 CrPC (to stay arrest).

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Rohatgi : In Arnab Goswami, Justices Chandrachud and Shah granted interim protection. It is recorded in the order.

Luthra says Amish Devgan order also granted similar protection.

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Luthra prays that the interim protection granted in Amish Devgan's case be granted in this case as well.

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Justice Reddy : What is your plea? For clubbing or transferring or quashing?

Luthra : All. But for quashing your lordships said will not consider. Kindly consider clubbing and interim protection.

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Luthra submits that in the Amish Devgan case, though FIRs were refused to be quashed, the Court allowed the continuation of interim protection from arrest.

Report about the judgment here :
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https://t.co/TX5sI35Rdy

Luthra says that in Amish Devgan case, the Court directed clubbing of FIRs and transferred to Ajmer.

He adds that the Supreme Court also granted him protection from arrest on condition that Devgan should join investigation.

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Luthra makes fervent persuasion to grant interim protection from arrest following the precedent in Amish Devgan case.

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Supreme Court issues notice on the prayers for transferring and clubbing of FIRs.

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Luthra seeks indulgence of the court to consider prayer for interim protection.

"Otherwise, there will be havoc", he says.

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Luthra makes a fervent plea : Please consider. I will have to file anticipatory bail in every district, every state.

Justice Bhushan : We are not inclined to grant interim protection.

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Luthra : Please don't reject. There will be havoc. We will be in custody in fifteen cases.

The bench clarifies that the pendency of the petition in SC will not prejudice the right of petitioners to seek bail in concerned courts.

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Senior Advocate FS Nariman now makes a persuasion : My lords may at least say no coercive action at least for a week.

Bench : We are not inclined.

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Matter over for now.

SC issues notice on the prayers for transferring and clubbing of FIRs.

Bench rejects the prayer for granting of interim protection from arrest. Grants liberty to petitioners to seek bail in concerned courts.

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