Twitter Thread by Bar & Bench

Bar & Bench
@barandbench

[PILs AGAINST MEDIA TRIAL VERDICT]

#BombayHighCourt will pronounce its verdict in a batch of PILs filed against #mediatrials in the wake of reportage relating to the death of Bollywood actor #SushanthSinghRajput at 11 am today.



Judgment will be rendered by Bench of Chief Justice Dipankar Datta and Justice GS Kulkarni.

Read a summary of arguments made during the hearing here: https://t.co/UNknYxor8k

Bench has assembled.

Bench: By mistake we have not provided link to today's hearing. So what we will do is provide the link to today's hearing and then pronounce judgement at 2.30 pm.

Bench will pronounce judgment at 2.30 pm today.

Bench assembles for pronouncement of judgment.

Bench: After noting the facts and arguments advanced by parties we have over ruled the preliminary objection of maintainability.

Bench: there are 5 legal questions which we have answered.

Media trial fall within restriction of programme code : we have said yes.

Bench: The guidelines framed by PCI should be followed by print media also.

Has media coverage in the present case amounts to criminal contempt?
Some reporting by republic TV and times Now we found contemptuous but we have refrained from passing any orders on it,

Bench: because of nature of proceedings.

Bench: We direct the press and print media to refrain from depicting and stating following things:
In death by suicide to depict the victim as weak would create aspersions on the investigation.
Publishing statements in the investigation.

Bench: Reconstructing or recreating the crime scene or leaking any sensitive information to be refrained.

Bench: The norms of journalistic standards and code of ethics to be followed.

Bench: While emphasising the need for complete investigation, the investigation agencies are under no obligation to disclose information.

Bench: one suggestion of Mr Datar seema to be useful. The investigation agency may appoint one officer to provide credible information as the officer deems fit to answer queries of journalists and provide information imp for public to know.

Bench: Trial by media in ongoing investigation leads to interference and obstruction of justice and amounts to contempt.

Bench: 4 writ petitions disposed off as per the judgment and 1 is dismissed.

Findings are for the purpose of adjudication of this writ petitions not on the subject matter.

Bench also clarified that contempt of court proceedings can be initiated only after the judicial proceedings have commenced and not after FIR is filed.

Corrigendum: Bench: guidelines of PCI will apply to electronic media along with print media till the time electronic media comes up with its own guidelines.

[FULL STORY]

Media trial an interference in criminal probe: Bombay High Court issues slew of directions to be followed by media; PCI guidelines to apply to TV

#mediatrial #SushantSinghRajput #BombayHighCourt

https://t.co/hnNywbhALU

Scathing indictment by Bombay High Court on reportage of Sushant Singh Rajput suicide by new channels, particularly Times Now and Republic.

Reportage "in brazen disregard of rule of law the edifice on which country's Constitution rest," the High Court said.

#mediatrial

after the CBI took up investigation in terms of the order of the Supreme Court. Republic TV while propagating the theory that the actor was "killed" and expressing apprehension as to whether the probe by Mumbai Police could be trusted in view of serious lapses that it had committed, also sought for public opinion as to whether the actress should be arrested. In course of one such scathing attack against Mumbai Police, the channel by referring to an autopsy report of the ex-manager of the actor (who too died in mysterious circumstances) highlighted that her body was found unclothed. Apart from anything else, a clear lack of courtesy to a woman who has left this world is demonstrated thereby. On its part, Times Now displayed close-up pictures of the cadaver of the actor, one alleged to have been given by the actor's family, and raised suspicion in respect of a ligature mark by remarking that another image was morphed. While expressing views that Mumbai Police had not done its job properly necessitating the media to pursue the case of securing justice to the actor, the channel went to the extent of commenting that the activists' plea to restrain the media was a move to suppress coverage on the death of the actor. Serious concerns were raised by both the TV channels as to why an FIR was not registered or as to why no arrest was effected. Speakers invited by such channels ranging from ministers, members of the Parliament, lawyers, political analysts, forensic experts, social activists, spokespersons of political parties, etc., expressed views appearing on screen as to how Mumbai Police had bungled the inquiry/investigation

into the unnatural death of the actor by failing to follow standard operating procedure, ignoring key evidence, hiding relevant forensic details, letting off conspirators and shielding the culprits. In fine, these TV channels continued their endeavor of informing the masses that Mumbai Police was suppressing the truth with a view to cover-up the entire incident. In the process, in an attempt to out-smart each other (for reasons which we need not discuss here), these two TV channels started a vicious campaign of masquerading as the crusaders of truth and justice and the saviours of the situation thereby exposing, what in their perception, Mumbai Police had suppressed, caring less for the rights of other stakeholders and throwing the commands of the Cr.P.C. and all sense of propriety to the winds. It amuses us not a little that Republic TV doffed its own hat, in appreciation of what its team had achieved, without realizing that it could be irking and invite adverse comments. While inquiry/investigation by Mumbai Police was strenuously asserted by these TV channels to be shoddy and questionable, the Supreme Court in its order dated August 19, 2020 recorded *prima facie* satisfaction of Mumbai Police not having indulged in any wrong doing. Despite such order, reports/ discussions/ debates/interviews on the death of the actor flowed thick and fast from these TV channels in brazen disregard of the rule of law, the edifice on which the country's Constitution rests. These TV channels took upon themselves the role of the investigator, the prosecutor as well as the

"In an attempt to outsmart each other, the two channels started a vicious campaign of masquerading as crusaders of truth and justice," Bombay High Court on @TimesNow and @republic

#SushantSinghRajput #mediatrial #BombayHighCourt

"In the process, they cared less for rights of other stakeholders, threw the commands of CrPC and all sense of propriety to the wind," Bombay High Court.

@TimesNow @republic

#BombayHighCourt #SushanthSinghRajput #mediatrial

Crucially, the High Court also gave a clean chit to Mumbai Police stating that as per the Supreme Court's August 2020 order, the Mumbai Police cannot be accused of any wrong doing and criticism by media seems to be not fair.

@DGPMaharashtra @MumbaiPolice

#SushantSinghRajput

could have left it unanswered having regard to the limited relief claimed by Mr.Chinoy on behalf of the petitioners (Mahesh Narayan Singh and the others). Nonetheless, we need to express our views on such part

question too lest confusion prevails. We place on record that in the light of the order of the Supreme Court dated August 19, 2020, Mumbai Police cannot be accused of any wrong doing by the electronic media and, *prima facie*, the criticism made seems to be not fair. The petitioners (Mahesh Narayan Singh and the others) could be justified in their concern that persistent criticism could bring down the morale of the police force and prove counter-productive and, therefore, utmost care should be taken to present reports that are tested and found to be true and correct. Any biased information or incorrect reporting may damage not only the good and clean reputation of a police officer, built over the years, but also the institution to which he belongs. We need to remind that every journalist/reporter has an overriding duty to the society of educating the masses with fair, accurate, trustworthy and responsible reports relating to reportable events/incidents and above all to the standards of his/her profession. Thus, the temptation to sensationalize should be resisted. However, this is neither the stage to give Mumbai Police a certificate that it has conducted the necessary inquiry following the actor's death in accordance with law nor to validate the adverse reporting by the electronic media. Any final opinion in this regard must await the verdict of the criminal courts at the several stages, right up to the remedy last available to an aggrieved party.

332. The above discussion, we are inclined to believe, adequately answers Question B.

Question C

333. From a cumulative reading of the statutory provisions engrafted in the CTVN Act and the CTVN Rules, it is clearly seen that a robust statutory framework has been laid down thereunder read with the Up linking and Down linking guidelines. However, considering the