

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3807 of 2016

Along with

Interlocutory Application No. 1723 of 2016

And

Interlocutory Application No. 1967 of 2016

- =====
1. Vinay Kumar Pappu, son of Late Dr. S.N. Roy Yadav, resident of Mohalla Goriyatoli, Station Road, Police Station - Kotwali, Post Office G.P.O., District Patna.
 2. Nitin Nabin (Member of Legislative Assembly) son of Late Navin Kishore Prasad Sinha 137 Member of Legislative Assembly Flat, Beerchand Patel Path, P.O. G.P.O., P.S. Kotwali, District Patna.
 3. Sudhir Kumar Singh son of Surendra Singh, resident of C.D.A. Colony, North L.B.S. Nagar, P.S. Shastrinagar, District Patna.

.... Petitioner/s

Versus

1. The Union of India, through Secretary, Ministry of Information and Broadcasting, Government of India, New Delhi.
2. Central Board of Film Certification (referred as Censor Board), Bharat Bhawan, 91-E, Valkashwar Road, Mumbai 400006 represented through its Chairperson.
3. Chairperson, Sri Pahlaz Nihalani, Bharat Bhawan, 91-E, Valkashwar Road, Mumbai 400006.
4. Chief Executive Officer, Bharat Bhawan, 91-E, Valkashwar Road, Mumbai 400006.
5. M/s Prakash Jha Production, a proprietorship concern, through its proprietor Mr. Prakash Jha having its registered office at 201 Abhishek, Off New Link Road, Andheri West, Mumbai - 40053.
6. Mr. Prakash Jha son of Sri Tej Nath Jha resident of village Barharwa, P.O. Turaha Palti, P.S. Sirisio, Anchal Chanpatia, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Ajit Kumar, Advocate. Mr. Krishna Chandra, Advocate. Mr. Pankaj Kumar Singh, Advocate. Mr. B.Kumar, Advocate Mr. Avinash Kumar, Advocate. Mr. Shashank Shekhar, Advocate Mr. Nilesh Kumar, Advocate.
For the Resp. No.1 to 4	:	Mr. S.D Sanjay, Addl. Solicitor General Mr. Ram Anurag Singh, CGC.
For the Resp. No.5 & 6:	:	Ms. Aparajita Singh, Advocate. Mr. Rohitabh Das, Advocate. Mr. Harshvardhan Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-03-2016

Heard learned counsel for the parties.

The three petitioners before the Court, the first being a former Deputy Mayor of Patna Municipal Corporation, second being an Hon'ble Member of the Bihar Legislative Assembly from *Bankipur* Constituency and the third a citizen of the city, have moved the Court seeking to restrain broadcasting of the film '*Jai Gangajal*' on the ground that it depicts defamatory references to the citizens and more particularly with regard to respondent no. 2, who has been elected from the constituency which has not only been named in the movie but also shows the role of the elected representative of his constituency '*Bankipur*' as well as '*Lakhisarai*' in a negative light.

Interlocutory Applications No. 1723 of 2016 and 1967 of 2016 have also been filed on behalf of the petitioners.

Interlocutory Application No. 1723 of 2016, though not very aptly worded, in effect seeks interim stay from broadcasting of the defamatory portion of the said film whereas Interlocutory Application No. 1967 of 2016 seeks amendment in the main writ petition by seeking additional relief to quash the order dated 22.01.2016 passed by the Film Certification Appellate Tribunal (hereinafter referred to as the "FCAT") with regard to the film in question.

In view of the writ petition having been heard at length for final disposal, Interlocutory Application No. 1723 of 2016, becoming infructuous, stands disposed off.

With regard to I.A. No. 1967 of 2016, the same being integrally connected with the issue raised and relief sought in the main writ petition, the Court deems it appropriate to allow the prayer. Accordingly, the challenge to the appellate order of the FACT dated 22.01.2016 with regard to the film in question shall form part of the main writ application.

Interlocutory Application No. 1967 of 2016 stands disposed off.

Learned counsel for the petitioners submits that the movie has the potential of co-relating the petitioners, especially petitioner no. 2, who is the sitting M.L.A. from *Bankipur* Constituency in the State of Bihar and to that extent, he is directly affected by public screening of the movie. It is submitted that the main objection to such broadcast of the film is on account of the same carrying visual portrayal of the character of the M.L.A. from *Bankipur* Constituency i.e., the petitioner no. 2 around whom the movie revolves and where he is shown in a negative role to the extent of not only washing away all the good work done in the past by him but also belittling him in the eyes of the public at large causing



personal loss of good-will and reputation both to himself, his family as also to the political party which he represents. It is further submitted that the petitioners no. 1 and 3 being citizens of *Bankipur* Constituency are also affected for the reason that the M.L.A. who has been portrayed in the movie, claims to have been elected in the last three consecutive general elections and also makes a claim that in future also nobody can defeat him whereby imputing a sense of helplessness as well as impotency of the electorate of *Bankipur* Constituency of not being able to elect a better representative. Learned counsel submits that the reference to *Bankipur* Constituency cannot be said to be a mere coincidence for the reason that the respondent no. 6, who himself is a resident of this constituency, was well aware of the name and instead of any other fictitious name, using the name *Bankipur*, cannot be so innocuous, moreso, for the reason that he himself has dabbled in active politics as a member of the ruling party in the State of Bihar, which is opposed to the party represented by the petitioner no. 3 and further the reference extending to the identification of the M.L.A. of *Bankipur* Constituency in the movie to a person of short stature and him having been elected consecutively in the last three elections, aptly fits with regard to the petitioner no. 2, who is also representing the constituency *Bankipur* for the last three consecutive terms and bears a short stature.



Learned counsel submits that the intention of the petitioners in approaching the court for the cause which they are espousing, is *bona fide*, which will be reflected from their conduct inasmuch as way back in January, 2016 itself, the petitioner no. 2 had sent a legal notice to the respondents no. 5 and 6 to make appropriate changes with regard to the name of the constituency shown in the film. It is submitted that the petitioners at no point of time have been against total ban of the movie and have only tried to indicate to the respondents no. 5 and 6 a reasonable and genuine apprehension and which could have been redressed in the right spirit without making an issue for the simple reason that there was sufficient time to re-dub or replace the word “*Bankipur*” with any other fictitious name, which has not been reciprocated properly by the respondents no. 5 and 6. Learned counsel further submits that the petitioner no. 2 had also sent his objection to the Central Board of Film Certification (hereinafter referred to as the “CBFC”) raising such objection but got no intimation and only when the trailer of the movie was being aired, he was shocked to notice that the suggested change of name of the constituency of the petitioner no. 2 had not been incorporated, compelling the petitioners to move before the Court in the present writ application. Learned counsel submits that though the constitutional guarantee of right of freedom of expression should be



protected and is an important facet in a democracy and is also required for its healthy growth, but the Constitution itself under Article 19(2) has given power to the State to put appropriate restrictions so that such liberty is not misused. It is submitted that the competent statutory body constituted for the said purpose despite being informed by the petitioner no. 2, has failed to consider his objection as he has not been intimated with regard to any decision on his objection and even the subsequent clearance by the FCAT does not indicate that the said objection was considered and that too without the petitioner no. 2 having been given any notice or opportunity of hearing. Learned counsel submits that the Court is not fettered in its power under judicial review to consider the position even after the competent authority has given a certificate for public broadcast of the movie, if the situation so warrants. Learned counsel further submits that the resemblance/similarity not being of a minor nature and the extreme negative portrayal of the character of the public representative of the constituency represented by the petitioner no. 2 have given a valid cause of action to the petitioners and the Court may take judicial notice of the position and interfere in the matter. Learned counsel submits that the reference to *Bankipur* Constituency is also indicative of a deliberate attempt to malign the public image both of the petitioner no. 2 as well as the general public



of the State of Bihar in view of the fact that another M.L.A. of *Lakhisarai*, which too is a real Constituency in the State of Bihar, has also been depicted in the movie in an equally negative light. Learned counsel submits that the public statement of the respondent no. 6 that there is a disclaimer and that the character has not been shown with the petitioner no. 2 being in mind, cannot be taken at face value as the same is contrary to what actually has been portrayed in the movie. Learned counsel submits that a genuine criticism or portrayal of facts cannot be objected to but when such portrayal is so different from the character or the public image of the petitioner no. 2, it being shown to the public at large and that too through the powerful media of cinema and further which cannot be confused with any other constituency as *Bankipur* Constituency is the only constituency by that name in the whole of India, a mere disclaimer is only an eye-wash and not a substitute for not changing it by some fictitious name. Learned counsel further submits that the sequence of coincidences cannot be so consistent as in the present case, where even the reference to M.L.A. from *Lakhisarai* has been made, which besides being a real constituency by that name in the State of Bihar, is represented by the party to which the petitioner no. 2 belongs and in the background of there being intense political rivalry between the parties represented by the petitioner no. 2 and his *Lakhisarai* colleague and the party of



which the respondent no. 6 at one point of time had been a candidate, having earlier entered the electoral fray, leave no doubt that there is a deliberate attempt to damage the prospect and public image of the petitioner no. 2, his party and also show their electorate in poor light. For the aforesaid proposition, learned counsel has relied upon the decisions of the Hon'ble Supreme Court in the case of *K.A. Abbas v. Union of India* reported in *A.I.R. 1971 SC 481*, relevant being at paragraphs-14, 21 and 22; *Raj Kapoor v. State* reported in *(1980) 1 SCC 43*, relevant being at paragraph-19; *S. Rangarajan v. P. Jagjivan Ram* reported in *(1989) 2 SCC 574*, relevant being at paragraphs-20 and 21; *Bobby Art International v. Om Pal Singh Hoon* reported in *(1996) 4 SCC 1*, relevant being at paragraphs 22, 23 and 31; *Devidas Ramachandra Tuljapurkar v. State of Maharashtra* reported in *(2015)6 SCC 1*, relevant being at paragraphs-12 and 13; an unreported judgment of the Madras High Court dated 05.08.2005 in the case of *Ms. A. Arulmozhi Vs. The Government of India & Ors.* (Writ Petition No. 24430 of 2004) as well as that of the Himachal Pradesh High Court dated 01.01.2004 in the case of *Virbhadra Singh Vs. Union of India and Ors.* (Civil Writ Petition No. 303 of 1999).

Learned counsel further submits that once the petitioner no. 2 had objected in writing before the CBFC, the authorities were

duty bound under law not only to consider the same and intimate the result to him but also to give him a personal hearing which has admittedly not been done and till date he has not been communicated any action/decision taken either by the CBFC or FCAT, with regard to the objection raised by him.

Learned Additional Solicitor General, representing respondents no. 1 to 4, submits that originally on an application made by the respondent no. 6 before the CBFC, the movie was screened before the Full Committee and because of there being differences among the members, the matter was referred to the Revising Committee for re-examination and the same gave it as 'A' certificate. However, on a plea by respondent no. 6 for 'UA' certificate, the same was recommended with 11 cuts in the movie. The respondent no. 6 being aggrieved by the same moved before the FCAT and by order dated 22.01.2016, the appeal was disposed off with a direction to delete two portions. It appears that pursuant to the respondents no. 5 and 6 accepting the said order and making the necessary corrections, by a subsequent order dated 15.02.2016, the FCAT directed for issuance of 'UA' certificate in favour of the film in question. It is submitted that as per his instructions, the letter sent by the petitioner no. 2 dated 11th January, 2016 was received by the CBFC on 13th January, 2016 but as the matter had already reached



the FCAT, upon notice being issued and records called for, the CBFC forwarded the entire records as well as the objection of the petitioner no. 2 to the FCAT and final order by the FCAT has been passed thereafter. He submits that he is not taking any position with regard to the merits of the case in view of the limited role which the State authorities have and in the present case also they have discharged their statutory obligation without any ill-will, bias or favour.

Learned counsel for the respondents no. 5 and 6 submits that the basic thrust of the whole writ petition is on the presumption that the depiction of the character of M.L.A. of *Bankipur* Constituency is defamatory as far as petitioner no. 2 is concerned, which, besides being premature, is also not borne out by the factual position. Firstly, she submits that the petitioner no. 2 has approached the Court without disclosing that he had already objected before the CBFC which is suppression of material fact and further, if no action was taken, why he did not move the Court against such inaction by the CBFC, which cannot be considered to be due diligence on his part as there was no occasion for him to wait for such a time when the date for official release of the film had already been widely publicized. Learned counsel submits that the amendment sought in Interlocutory Application No. 1967 of 2016 is also a belated reaction which shows the casual approach of the petitioners in



conducting matters before the Court inasmuch as after the matter was heard on three occasions including yesterday's detailed hearing, only late last evening, a copy of the amendment application was served and thus the respondents no. 5 and 6 have not been given adequate opportunity to rebut or counter the averments made in the Interlocutory Application. However, she submits that she is not seriously pressing this objection in view of the fact that the main writ petition itself is being disposed off. Learned counsel submits that to succeed before the Court, the minimum requirement of the petitioners is to show that prejudice has been caused to them and a legal right infringed so as to even make their case maintainable before the Court, much less worth consideration. Learned counsel submits that except for the reference to M.L.A. of *Bankipur*, the petitioners have not been able to show to the Court or have given even one specific incidence of what the objectionable portion is or what could be the perceived damage to them so as to give the other side a fair chance to rebut or the Court to take an objective view. Learned counsel submits that merely going on the trailer and alleging that the constituency represented by him has been named in the movie may not be enough for the Courts to interfere in a matter which basically relates to the respondents no. 5 and 6 making a movie meant for the entertainment of the general public without claiming it to be either a biopic or based

on any true incidences or even related to any real life events and for this purpose at the very beginning of the movie there is a specific, clear-cut and unambiguous disclaimer in the following terms:-

“DISCLAIMER

All characters, characters names, location names, building names, property used, names assigned are all fictional and imaginary. If there is any resemblance to any location, person, property, etc., it is purely co-incidental and non-intentional.”

It is submitted that the very initiation of the film is with the declaration that a fictitious story is going to be shown to the audience which clearly is sufficient to dispel any imaginary misconception in the minds of the petitioners with regard to there being any insinuation or correlation or identification of either the character or image of the petitioner no. 2 in particular or electorate of *Bankipur* and *Lakhisarai* constituencies in general. Learned counsel submits that as far as reference being to *Lakhisarai* is concerned, none of the petitioners are either residents or can be said to represent the said constituency in any capacity. Learned counsel further submits that the Courts have been very careful and circumspect when dealing with issues relating to public morality, decency, obscenity and defamation and have balanced the same keeping the constitutional mandate in mind and as the law has evolved, by now the consistent view of the Courts is that the constitutional right of freedom of speech and expression should not be curbed and even if it goes to the extent of specifically targeting any person or



constituency, it has been held that the remedy would lie *post facto* and that too by way of moving for damages by filing suit for defamation. It is submitted that the present issue has been blown out of proportion and unnecessarily the petitioners, moreso petitioner no. 2, has been oversensitive to the issue and thus, the very basis of moving the High Court cannot be said to be a *bona fide* exercise on the part of the petitioners. Learned counsel submits that the balance of convenience also is against the petitioners for the reason that with huge investment made in production and publicity, any interference or interim restrain on release of the movie, at the eleventh hour when the movie is set for public release on 4th March, 2016, shall cause irreparable loss not only to the respondents no. 5 and 6 but to many people who have not been made party in the proceedings and about whom the Court would be mindful. Learned counsel submits that if the petitioners are so confident that there may be something which would be worth agitating against or for which there may be a legal remedy, unless the cause of action is ripe, no futile or pre-emptive writ should be issued.

It is submitted that in the present case, till now, the petitioners have not been able to show or actually pinpoint either the dialogues or the depiction to which they object and in the absence of the same and solely on the ground of mere reference to *Bankipur* and



Lakhisarai is not sufficient for the Court to consider as to whether there is substance in the submissions and contentions of the petitioners. It is submitted that in the absence of there being an opportunity either for the Court to judge or the respondents no. 5 and 6 to meet the objections, as the same have not been spelt out, itself is against the principles of natural justice as the party against whom a complaint is made/allegation levelled is unable to meet/rebut/counter the same in absence of there being anything specific and only on bald statements and perceived damages the issue is sought to be agitated before the Court in the present proceeding. Learned counsel submits that the petitioners no. 1 and 2, being public figures, the threshold to judge the damage to their reputation is much higher and the standard of proof is equally high, as compared to a common citizen, and the Courts have also held that unless malice is proved in accordance with law, even direct statements and portrayals which may be patently false, will not be a ground for any interim injunction.

Learned counsel submits that with regard to the contention of the petitioners that because of his political affiliation, the respondent no. 6 has targeted the petitioner no. 2 and his party is also misplaced for the reason that he being a free thinker and a creative artist and known for his passion both on the political and personal front having fought elections under the banner of two



different political parties and once as an independent, the charge of settling political scores through his films has never even been insinuated earlier moreso, when at present he is neither associated with any political party nor does he carry any grudge against either petitioner no. 2 or the party which he represents. Learned counsel submits that even with regard to the similarity being drawn by the learned counsel for the petitioners that the character of M.L.A. of *Bankipur* Constituency in the film is of short stature which is akin to the petitioner no. 2, she submits that there is no reference to such factual aspect in the pleadings and thus the same is only imaginary at the present, and just on the basis of similarity in stature of the character in the movie to that of a particular personality (respondent no. 2) cannot be a ground for drawing adverse inference for the reason that real persons performing on the screen will obviously have characteristics of real persons who actually exist and thus stature by itself cannot be factor to draw similarity so as to pinpoint a person or individual. Learned counsel, for the aforesaid propositions, has relied upon the decisions of the Hon'ble Supreme Court in the case of ***R. Rajgopal v. State of T.N.*** reported in (1994)6 SCC 632, the relevant being at paragraphs 18,22, 22(3) and 29; ***Bobby Art International*** (supra); ***Prakash Jha Productions v. Union of India*** reported in (2011) 8 SCC 372, relevant being at paragraphs 25, 26; ***S.***



Rangarajan (supra), the relevant being at paragraphs 20, 21; Patna High Court in the case of **Asha Parekh and Ors. vs. The State of Bihar and Ors.** reported in **1977 Cr. L. J. 21**; **Ashvani Dhir v. State of Bihar** reported in **A.I.R. 2005 Pat 101**, the relevant being at paragraphs 24,25 and 26; Allahabad High Court in the case of **Anirudh Prasad Yadav v. Union of India** reported in **A.I.R. 2004 All. 123**, the relevant being at paragraphs- 3, 8, 9, 10, 11, 12,13, 14 and 17; Delhi High Court in the case of **Naveen Jindal & Anr. Vs. Zee Media Corporation Ltd. & Ors.** {C.S. (OS) No. 881 of 2014} dated 01st April, 2014, the relevant being at paragraphs 18 and 23; **Prakash Jha Productions vs. Bata India Limited & Ors.** {FAO (OS) 505 of 2012} dated 17th October, 2012, the relevant being at paragraphs- 7, 8, 11 and 15; **Shilpesh Chaudhary and Anr. Vs. Union of India and Ors.** {W.P. (C) No. 1492 of 2013} dated 8th March, 2013, the relevant being at paragraphs-2, 3, 4 and 5 and Andhra Pradesh High Court in the case of **Vadlapatla Naga Vara Prasad vs. Chairperson, Central Board of Film Certification, Bharat Bhavan Mumbai** (Writ Petition No. 30376 of 2011) dated 01st December, 2011, the relevant being at paragraphs-10 and 18.

Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties, this Court would briefly like to comment on the factual aspect inasmuch as the



petitioners have tried to show to the Court that the portrayal of the character of M.L.A. from *Bankipur* as well as *Lakhisarai* constituencies not being fictitious and existing in reality in the State of Bihar and also being represented by the party to which the petitioner no. 2 belongs, is no mere co-incidence and rather deliberate for various reasons including the political affiliation of the respondent no. 6. The petitioners have also tried to impress upon the Court that the similarity being so close to reality and the representation of the character in the movie, which is to be viewed by the general public, has the potential to seriously infringe the petitioners' right both in their individual capacity as well as in the capacity of being the public representative and holding a constitutional post which are good and sufficient grounds for the Court to intervene. The Court, thus, initially had issued notice to the respondents no. 5 and 6 with the hope that if a solution could be worked out to the satisfaction of the parties on mutually acceptable terms, the Court may not be required to go into the legal aspects. The same having failed, the Court has thus been called upon to take a call with regard to issues raised and relief sought by the petitioners. The hearing of the case has led the court to the conclusion that the materials before it are not sufficient to reach to any positive conclusion as to whether the apprehension of the petitioners, as raised

in the writ petition, are well founded or they are over sensitive to an innocuous portrayal with fleeting references having some connection with the post held by the petitioner no. 2, without any justifiable ground made out for interference.

The only admitted position before the Court is that there is a character, who is said to represent *Bankipur* Constituency and is a member of the Legislative Assembly. This position is true as there is a real constituency of *Bankipur* in the State of Bihar represented by the petitioner no. 2 but the State shown and named is a fictitious '*Madhya Prant*' and not Bihar. However, this fact may itself not be enough to prevent any portrayal of even an Hon'ble Member of the Legislative Assembly subject to the condition that it should not be with the intention to target a particular person and further such showing him in a negative light should not be of the nature which may persuade a reasonable or prudent man to either adversely change his impression of the person or damage the reputation in public perception both of himself as well as of the party he represents.

In the decisions relied upon by the learned counsel for the petitioners the references were direct and real so as to identify the person concerned and more importantly, the stage was after the cause of action had really arisen, that is, the film having been broadcast/released and the party aggrieved being aware of the entire



factual position. On the other hand, the decisions relied upon by the learned counsel for the respondents no. 5 and 6 clearly buttresses their objection that the Courts have been very liberal in upholding the right of a citizen to free expression and any restriction, and that too in the present case where it is only presumptive based on reference to the name of the constituency of the petitioner no. 2, may not be sufficient reason for the Court to go for pre-censorship. It has rightly been submitted that the Courts have also held that the relief of a public figure or that of a private citizen is only after the cause of action has arisen which in the present case would be the release of the film and that too by way of damages. Contention of learned counsel for the respondents no. 5 and 6 that pre-restrain on any such public release, besides not being in public interest being based on mere conjunctures, surmises and imaginary perception, should not persuade the Court to exercise the power of judicial review and intervene in matters which are purely in the domain of common civil law without there being any real, legal or constitutional issue involved, is well founded. The Court further finds that the decisions relied upon by learned counsel for the respondents no. 5 and 6 clearly hold that even where there is a definite identification of personalities on the basis of what has been shown relating to events or him or her being depicted in a manner which may not be said to be

in good taste, the Courts have leaned in favour of freedom of expression by not putting any restrain on release/publication and at the same time have also safeguarded the interest of such persons by permitting them to seek common law remedy of moving for damages.

In the present case, there being a clear cut disclaimer as well as the respondent no. 6 in a public interview/press conference having clearly stated that the petitioner no. 2 was never in mind when the movie was either conceived or completed in July, 2015, is clearly established from the fact that the elections itself being held only in October-November, 2015, there could not have been a premonition that the petitioner no. 2 would be elected and thus there cannot be any deliberate or intentional reference/similarity with regard to any real person/situation relating to the character portrayed in the film. The petitioner no. 2 having been elected much after completion of the movie, cannot complain of him being targeted with the object to identify him in real life.

At this juncture, learned counsel for the petitioners submits that as they had not been heard either by the CBFC or the FCAT, the matter be relegated to them so that the petitioners may get an opportunity of hearing and their grievance considered since the said bodies are obliged to do so under law, especially Section 5-B(1) of the Cinematograph Act, 1952 read with Rules 22(8), 24 and 27 of



the Cinematograph (Certification) Rules, 1983 as also Clause 2(xviii) of the Guidelines for Certification of Films for Public Exhibition dated 06.12.1991. In the alternative, he suggests that the Court may view the movie for coming to a definite conclusion. The Court, momentarily was impressed by such submission of learned counsel for the petitioners but having given due consideration to the same, in the background of the fact that the FCAT, which is the appellate body and headed by a retired High Court Judge, had viewed the movie after being aware of the objection of petitioner no. 2, it shall be deemed that such objection was considered, and still the FCAT not directing for any deletion or substitution with reference to the said objection, the Court does not feel persuaded to itself once again undertake the exercise of viewing the movie for even if it reaches the conclusion that a different view is possible, it would rather lean in favour of freedom of speech and expression and not substitute its own views for that of the appellate body. Moreover, the law is also well settled on the point that a decision may not be casually interfered with while exercising the power of judicial review merely on the ground that a different view is also possible. Once a statutory fact finding body has taken a conscious decision and there being no material on record to indicate that the same is perverse or apparently erroneous, it does not warrant interference.

In view of the discussions made hereinabove, the Court finds no ground to interfere in the matter. Accordingly, the writ petition stands dismissed.

However, the petitioners shall be at liberty to move in accordance with law before the appropriate forum, upon the release of the film, if they find any justifiable cause of action.

(Ahsanuddin Amanullah, J.)

Patna High Court, Patna
Dated the 2nd March, 2016
AFR
Sujit/P.Kumar

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