

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (WP) NO. 705 OF 2016
(Sachin Shanti Khatti .v. The Union of India and others)

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Shri Anand Jaiswal, Senior Advocate for the petitioner.
Smt. A.A. Joshi, Advocate for respondent No.1.
Shri S.A. Ashirgade, Addl PP for respondent Nos.2,3,4 and 18.
S/Shri H.S. Chitaley and R.R. Pimpalkhute, Advocates for
respondent No.5.
Shri Akshay Naik, Advocate for respondent No.6 and 7.
Shri P. Rajan, Advocate for respondent No.8.
Shri Nitin Jachak, Advocate for respondent No.11.
Shri R.D. Dhande, Advocate for respondent No.15.
Shri S.K. Sable, Advocate for respondent No.17.

CORAM : PRASANNA B. VARALE AND
ARUN D. UPADHYE, JJ.
09TH NOVEMBER, 2017.

Heard.

The petitioner is before this Court seeking directions to monitor the advertisement exhibited through TV Channels. His grievance was in respect of advertisement of a product namely ***Asthijivak***. Insofar as the issue of regulating the contents of TV commercials or the programmes is concerned, the Hon'ble Apex Court in the case of ***Common Cause (A Regd. Society) .v. Union of India and others (reported in 2017(2) SCALE, 169)***, dealt with the issue and recommended the Central Government. The Apex Court on finding that there is indeed mechanism but it is not known to the general public, thought it fit to direct the Union of India to publish the mechanism. The Apex Court further observed that this would enable complainants to air their grievances before the appropriate forum and to obtain a determination thereof at the hands of the concerned Competent Authority, in the Ministry of Information and Broadcasting.

Insofar as the grievance in respect of the said product ***Asthijivak*** is concerned, Shri Jaiswal, the learned Senior Counsel submits that by order dated 20th February, 2017, the Joint

Commissioner, Food and Drugs Administration, Maharashtra State, directed the petitioner namely M/s. Teleworld Marketing to stop taking part in publication of the advertisement of ***Asthijivak*** and stop telecasting of advertisement on all the channels. The order further states that failure to comply with the above order will make petitioner and all concerned liable for action under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

Shri Ashirgade, the learned Additional GP, on verification, admits that such an order is passed by the Joint Commissioner (Drugs).

Shri Dhande, the learned Counsel for respondent No.15 submits that the order of Joint Commissioner is subject matter of challenge before the District Court, Indore (MP). The learned District Judge by his order, directed the return of plaint and even that order is the subject matter before the High Court of Madhya Pradesh, Indore.

Suffice to say that the basic grievance of the petitioner is redressed in view of the order of the Apex Court. Nothing survives in the petition. The petition stands disposed of accordingly.

JUDGE

JUDGE

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