

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.42 of 2019

Mr. Satish Sugriv Gaikwad ... Petitioner

V/s.

Ministry of information and broadcasting
Through Secretary & ors. ... Respondents

Mr. Tausif Chand Shaikh for the petitioner.

Dr. Birendra Saraf with Yakshay Chheda with Trisha Mehata i/b.
Parinam Law for respondents 5 to 10.

Mr. M.M. Pabale, AGP for State.

Mr. Advait M. Sethna a/w. Ms. Ruju R. Thakker for respondents 1 & 2.

Mr. Pradeep Rajagopal a/w. Drishti Shah for Election Commission,
respondent no.4.

Mr. Aayush Singhvi I/b. Arihant Associates for Intervenor Sanjay
Shirodkar.

**CORAM :NARESH H. PATIL, C.J.
& N.M. JAMDAR, J.**

1st April, 2019.

P.C.

The petitioner, claiming to be a social activists, has approached this Court in respect of the movie PM Narendra Modi, which

according to the petitioner will be released on 5th April 2019. The petitioner prays for following reliefs:-

(a) That this Hon'ble Court may be pleased to stay the release of the movie which is scheduled to be released on 5th April 2019.

(b) That this Hon'ble Court may be pleased to direct respondent no.1 to get the trailer removed/deleted from all the social sites/platform/media exclusively YouTube, face book, instagram etc.

It is submitted by the learned Counsel appearing for the petitioner that the Code of Conduct is in operation since 10th March 2019 and voting in the some parts of State of Maharashtra is scheduled to take place on 11th April 2019. It is further submitted that the release of the trailer and the likely release of the movie would contravene the Code of Conduct and provisions of Section 126 of Representation of People Act, 1950.

2. The learned Counsel appearing for respondents 5-10 submits that they have already received the notice from the Election Commission of India in respect of the release of the movie and they have accordingly replied to the Election Commission of India.

3. The learned Counsel appearing for respondent no.4-Election Commission of India submits that Election Commission of India takes notice of such representations and incidents which are brought to their notice relating to the ensuing Lok Sabha elections in the country.

4. The learned Counsel appearing for the respondents 1 and 2 submits that the trailer of the movie has been certified on 20th March 2019 and it has been certified in 'U' category. The learned Counsel further submits that examination of the film by the Censor Board is yet to take place and after the examination, in case the certificate is granted, the movie would be allowed to be released.

5. In view of the submissions made as above, we are of the view that it is for the Election Commission of India to deal with the issues as and when brought before it.

6. The Public Interest Litigation stands disposed of.

N.M. JAMDAR, J

CHIEF JUSTICE

L.S. Panjwani, P.S.