

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.10382 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.1 to quash the proceedings against him in Crl.M.P.No.104 of 2022 in SC.No.423 of 2015 dated 26.09.2022 pending on the file of IV Additional District and Sessions Judge, R.R District at L.B Nagar.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The petitioner is Accused No.1 questioning the order of the learned Sessions Judge in permitting the prosecution to mark the C.D which was certified under Section 65 B of the evidence Act in respect of a programme which was telecast on Zee TV channel under the caption namely 'Brathukujatkabandi'. The contention of the prosecution is that in the said episode No.174, Pw1, who is the wife of accused No.1 and mother in law of accused No.1 participated

in the said programme which was telecast on 14.03.2016. In the said programme, the wife and mother in law of accused No.1 disclosed that accused No.1 was having illegal intimacy with accused No.2 and they both married again when their earlier marriage was in existence. On the said basis, the prosecution sought to mark the C.D in which the programme was recorded.

4. Learned counsel appearing for the petitioner would submit that the learned Sessions Judge has committed an error in permitting the evidence to be brought on record by allowing the petitions filed under Section 91 and 311 Cr.P.C. He further relied upon the judgment of the Hon'ble Supreme Court in *Venkatesh@ Chandra and another V. State of Karnataka* and drawn the attention to paragraph 21, Wherein the Hon'ble Supreme Court held that any debate or discussion touching upon the matters which are in the domain of Courts would amount to direct interference in administration of criminal justice.

5. On the other hand, learned Public Prosecutor would submit that the evidence is crucial to advance the case of the prosecution.

Certain statements made by the witness and the accused have to be brought on record to prove the case of the prosecution.

6. Admittedly, the programme namely 'brathukujatkabandi' is a sponsored programme which is scripted and created. The participants are paid in the said programme. Such a programme which is telecast on T.V for commercial purposes cannot be made basis to substantiate the claim of the prosecution regarding any of the offences that are alleged against the petitioner/accused herein.

7. The learned Public Prosecutor filed petition stating that Pw.1/ wife and mother in law of accused No.1 participated in the said programme. Any statement made by Pw.1/wife or the mother in law can be stated before the Court below. Such statements made in the programme, which is a commercial programme has no bearing on the statements made during the course of such programme alleging illegal intimacy in between accused Nos.1 and 2.

8. When the said programme itself cannot form part of the evidence to be read against the accused, the question of marking such evidence does not arise. For the foregoing reasons, the order

in Crl.M.P.No.104 of 2022 is hereby set aside and the learned Sessions Judge is directed to go ahead with the trial and conclude the proceedings.

9. Accordingly, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Date: 23.11.2022  
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**K.SURENDER, J**

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