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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5658/2024 & CM APPL. 23321/2024**

SOURABH CHANDRAKAR

..... Petitioner

Through: Mr. Viraj Datar, Senior Advocate
with Mr. Puneet Relan, Mr. Srikant
Singh and Mr. Saurab Joon,
Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vaibhav Gagar, SPC with
Mr. Himanshu Sethi, GP and
Ms. Shefali Munde, Advocate for
R-1/UID

Mr. Zoheb Hossain, Special Counsel
with Mr. Vivek Gurnani, Mr. Kartik
Sabharwal, Mr. Abhipriya Rai,
Mr. Antik Majumdar, Mr. Manish
Jain and Mr. Snehal Sharda,
Advocates for R-2/ED

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

08.05.2024

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1. The present writ petition is filed under Article 226 of the Constitution seeking issuance of directions to the respondents and other functionaries from sharing writing, speaking, content creation (including graphic and representation), publishing, republishing, circulating, carrying out any reports or articles or posts or reporting of any kind, directly or indirectly or in any manner pertaining to the petitioner in ECIR bearing no. RPZO/10/2022. The petitioner has made the following prayers:-



a. Issue writ under article 226 of the Constitution of India read with section 151 of the CPC in the nature of mandamus or any other writ directing the Respondents No. 2 to not reveal the details of investigation qua the Petitioner to the media agencies till the conclusion of investigation qua the Petitioner;

b. Pass an order of the nature of John Doe to direct the media houses to remove the content from their digital media (websites, YouTube, X (formerly Twitter) etc. which connects the name of the Petitioner with the said Mahadev Book app or with respect to the investigation being carried out with respect to the said Mahadev BookApp,

c. Direct Respondent No.1/Union of India to ensure strict compliance by the concerned respondents/ media houses to comply with the guidelines established by the Hon'ble Supreme Court in *PEOPLE'S UNION FOR CIVIL LIBERTIES & ANR. VERSUS THE STATE OF MAHARASHTRA & ORS.* and/or

d. Such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case be also passed in favour of the petitioner to meet the ends of justice.

2. Mr. Vaibhav Gaggar, Senior Panel Counsel on behalf of the respondent no. 1 and Mr. Zoheb Hossain, Special Counsel on behalf of the respondent no. 2 appeared on advance notice.

3. The learned Senior Counsel for the petitioner stated that the petitioner is implicated in the ECIR bearing no. RPZO/10/2022 but the investigating agencies have revealed the line of investigation to the media and as a result of which, the media is publishing the sensational news including the character assassination of the petitioner, which is not warranted under law and the law laid down by the Apex Court. It is accordingly argued and prayed that the respondent no. 2 be retrained or be directed not to leak or



give any information regarding the investigation pertaining to the petitioner in media either print or electronic.

4. Mr. Zoheb Hossain, Special Counsel for the respondent no. 2 stated that the Government of India through Ministry of Home Affairs vide Office Memorandum bearing no. F.No.15011/48/2009-SC/ST-W dated 01.04.2010 has laid down the exhaustive and comprehensive guidelines regarding the advisory on media policy of police, which are being followed in the present case also without any violation. The guidelines are reproduced as under:-

I. Only designated officers should disseminate information to the media on major crime and law and order incidents, important detections, recoveries and other notable achievements of the police.

II. Police Officers should confine their briefings to the essential facts and not rush to the press with half-baked, speculative or unconfirmed information about ongoing investigations. The briefing should normally be done only at the following stages of a case:

- a. Registration**
- b. Arrest of accused persons**
- c. Charge-sheeting of the case**
- d. Final outcome of case such as conviction/acquittal etc.**

In a case that attracts the interest of the media, a specific time may be fixed everyday when the designated officer would make an appropriate statement on the investigation.

III. In the first 48 hours there should be no unnecessary release of information except about the facts of the incident and that the investigation has been taken up.

IV. The general tendency to give piecemeal information/clues, on a daily/regular basis, with regard to the progress/various lines of



investigation, should be strongly discouraged so that the investigations are not compromised and the criminals/suspects do not take undue advantage of information shared by the Police authorities about the likely course of the investigation.

V. Meticulous compliance with the legal provisions and Court guidelines regarding protection of the identity of juveniles and rape victims should be ensured, and under no circumstances should the identity of juveniles and victims in rape cases be disclosed to the media.

VI . Due care should be taken to ensure that there is no violation of the legal, privacy and human rights of the accused/victims.

- a. Arrested persons should not be paraded before the media.**
- b. Faces of arrested persons whose Test Identification Parade is required to be conducted should not be exposed to the media.**

VII. No opinionated and judgmental statements should be made by the police while briefing the media.

VIII. As far as possible no interview of the accused/victims by the media should be permitted till the statements are recorded by the police.

IX. The professional tradecraft of policing and technical means used for the detection of criminal cases should not be disclosed as it alerts potential criminals to take appropriate precautions while planning their next crime.

X. In cases where National security is at stake, no information should be shared with the media till the whole operation is over or until all the accused persons have been apprehended.

XI. The modus operandi of carrying out the operations should not be made public. Only the particulars of apprehended persons and details of recovery should be revealed to the media on completion of the operations.



XII. There should not be any violation of court directions and other guidelines issued by the authorities from time to time on this matter.

XIII. Preferably, there should be one officer designated as the Public Relations Officer to handle the immediate information needs of all media persons and give the correct and factual position of any crime incident.

XIV. As and when instances of misreporting or incorrect reporting of facts/details pertaining to an incident or the department comes to notice, a suitable rejoinder should immediately be issued and, in more serious cases, the matter should be taken up at the appropriate levels for remedial action.

XV. Any deviation by the police officer/official concerned from these instructions should be viewed seriously and action should be taken against such police officer/official.

5. Accordingly, in view of the submissions made by the Special Counsel for the respondent no. 2 and the Office Memorandum dated 01.04.2010, it is expected that the respondent no. 2 shall follow the guidelines as contained in the Office Memorandum dated 01.04.2010 in the investigation vide ECIR bearing no. RPZO/10/2022 pertaining to the petitioner.

6. The present petition along with pending application, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

MAY 8, 2024

N/AK