

F. No. 13012/23/2020-BC-II
Government of India
Ministry of Information & Broadcasting
A'Wing, Shastri Bhawan,
New Delhi -110001

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Dated 16th September, 2020

To

All Private Satellite TV Channels

Sub: Hon'ble High Court of Andhra Pradesh Order dated 15.09.2020 in W.P. No. 16468 of 2020 –reg.

The undersigned is directed to enclose herewith copy of Order dated 15.09.2020 on the above mentioned subject and to state that the Hon'ble High Court has directed that no electronic or printed news item be published with respect to the FIR No. 08/RCO-ACB-GNT/2020 of ACB, Guntur dated 15.09.2020 and connected events until further order of the Court. Further, Social media post shall also not be published.

2. All private channels are hereby requested to take note of the above directions of the Hon'ble High Court for appropriate compliance.

Encl: As above



(G.C. Aron)

Director (BC)

Tele: 23386394

Copy to:

- 1 Shri Rajat Sharma, President, News Broadcasters Association (NBA), Mantec House, 3rd Floor, C-56/5, Sector 62, NOIDA- 201307.
- 2 Shri Rakesh Sharma, Association of Regional Television Broadcasters of India (ARTBI), B-116, Okhla Industrial Area Phase-I, New Delhi -110065.

For information :

1. Director General of Police, Andhra Pradesh Office at AP DGP Head Quarter, Mangalagiri, Guntur District, Andhra Pradesh -522503 : Email: dgp@appolice.gov.in for information w.r.t. email dated 15th September, 2020
2. Shri M.S.V. Navin Chandra, Assistant Registrar, High Court of Andhra Pradesh at Amaravati for information.

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)



TUESDAY, THE FIFTEENTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESWARI

WRIT PETITION NO: 16468 OF 2020

Between:

Dammalapati Srinivas, S/o Nageswar Rao, Age 53 year, R/o Flat No.206, Vishnu Splendor Apartments, Srinagar Colony, Hyderabad, Telangana

Petitioner

AND

1. The State of Andhra Pradesh, represented by its Principal Secretary, Home Department, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID prlseacy home@ap.gov.in
2. Director General of Police, Andhra Pradesh, Office at AP DGP Head Quarters, Mangalagiri, Guntur District, Andhra Pradesh- 522503. Email ID dgp@appolice.gov.in
3. Director General, Anti-Corruption Bureau, Andhra Pradesh, Office at AP Head Quarters Office, 2nd Floor, N.T.R. Admn. Block, Pandit Nehru Bus Station, Vijayawada - 520001. Email ID dg acb@ap.gov.in
4. Office of the Addl. Director General of Police, Crime Investigation Department, AP DGP Head Quarters, First Floor, Mangalagiri, Guntur Urban District -522503, Andhra Pradesh. Email ID contact@cid.appolice.gov.in
5. Sri Y. S. Jagan Mohan Reddy, Hon'ble Chief Minister of Andhra Pradesh, R/o. 1st Floor, Building-I, Velagapudi, Email ID cm@ap.gov.in
6. Dr Kollu Raghuram Reddy, I.P.S., D.I.G., Intelligence Department, 54-19-21/3D, Popular Towers, LIC Colony, Vijayawada- 520008, Andhra Pradesh. Email ID kolliraghuram.reddy@ips.gov.in

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other Writ for the following prayers (a.) That this Hon'ble Court may call for all records pertaining to any inquiry/investigation being conducted by any of the state agencies and all the Respondents. (b.) That this Hon'ble Court may quash the Letter No. 1130466/SC.A/A1/2019-1 dated 23.03.2020 issued by the Principal Secretary, Home Department to Secretary, Government of India, Ministry of Personnel, Public Grievances and Pensions in so far as the writ petitioner is concerned. (c.) That this Hon'ble Court may direct the Respondents to not take coercive actions such as arrest, detention etc against the writ petitioner in relation to any of the enquiry which is being conducted or any investigation which is being undertaken. (d) That this Hon'ble Court should monitor any investigation against the aforesaid Writ Petitioner and no further enquiry/investigation to take place without first informing this Hon'ble Court. (e.) That this Hon'ble Court direct the Respondents to continue with enquiry/investigation, if there is any requirement to do so under the strict supervision of this Hon'ble Court or in the alternative under the supervision of a Hon'ble Retired Judge of this Hon'ble Court. (f.) That the Respondents be directed to pay compensation of reasonable amount for intimidating, mental harassment, and threats meted out to the Writ Petitioner.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents should not take any coercive measures against the petitioner in the interim without informing or taking leave of

this Hon'ble Court pending disposal of the above writ petition 16468 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents should not continue with any enquiry/investigation against the petition in the interim period without first informing this Hon'ble Court and taking such permission for the same, pending disposal of WP 16468 of 2020, on the file of the High Court.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue a gagging order to prevent all the media houses including the paper, print and social media from publishing any reports pertaining to the case registered against the petitioner by Anti-Corruption Bureau, Andhra Pradesh in Crime No.08/RCO-ACB-GNT/2020 of ACB Guntur, dt.15.09.2020 and detailed thereof., pending disposal of WP 16468 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Mukul Rohatgi and Shyam Divan learned Senior Counsel appearing on behalf of Sri GINJUPALLI SUBBA RAO, Advocate for the Petitioner and of the Advocate General, for respondents No. 1 & 2, Sri C.V.Mohan Reddy, Learned Senior Counsel appearing on behalf of Smt. Renuka, Standing Counsel for Respondent No. 3 and of Sri S.S.Prasad, Learned Senior Counsel appearing on behalf of Sri Venkateswar Rao, Standing Counsel for Respondent No. 4 and the Court made the following:

ORDER

“(Through Video Conferencing)”

Sri Mukul Rohatgi and Shyam Divan, learned senior counsel appearing on behalf of Sri Ginpallli Subba Rao, counsel for the petitioner.

Learned Advocate General appearing on behalf of respondents 1 and 2.

Sri C.V.Mohan Reddy, learned senior counsel assisted by Smt.Renuka, standing counsel for respondent No.3.

Sri S.S.Prasad, learned senior counsel, assisted by Sri Venkateswara Rao, standing counsel for respondent No.4.

This writ petition, under Article 226 of the Constitution of India, has been filed by the petitioner alleging mala fides against the State authorities, specifying the reasons as setup in the writ petition. It is stated that the petitioner herein held the office of Additional Advocate General and thereafter he had become the Advocate General and is a Senior Advocate having long standing at bar. For the reasons set out in the writ petition, he is being targeted by the Government and, in furtherance thereto, the Government wants to foist a false case against him, alleging purchase of property being aware of establishment of

capital in Amaravati, prior to the date of identifying the capital in his name and that of others. Reference to the letter sent to the Income Tax Department dated 29.01.2020 and letter dated 23.03.2020 of the State Government, sent to the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training, New Delhi, has been made to state it affects the personal liberty without any cogent basis. It is said that when action was not found justified by central agencies, the state agencies through Police are working out in a mala fide manner.

In view of the aforesaid, prayer is made to call for all the records pertaining to any enquiry/investigation being conducted by any of the State agencies and all the respondents, and to quash the letter dated 23.03.2020; further enquiry may be stayed and no coercive steps against the petitioner may be made. It is also stated that if any investigation is to be made by the State, it may be under the strict supervision of a Judge of the High Court or in the alternative under the supervision of a Retd. Judge of the High Court, looking to the political vendetta against the petitioner.

The petitioner has joined the present Chief Minister of Andhra Pradesh as party (respondent No.5) by name, but, at present, this court is not inclined to issue notice calling his presence/response.

Sri Mukul Rohatgi and Sri Shyam Divan, learned senior counsel appearing on behalf of the petitioners, have strenuously urged that, if there is any political vendetta, it may be against parties or persons of the respective parties, but, taking action on account of those reasons against a former Advocate General of the State and a Senior Advocate, is unheard of and not warranted, that too, in a planned way, as reflected in the present case. It is further stated that, after filing of this writ petition, when a learned Judge of this Court has recused hearing and directed the Registry to place the matter before Hon'ble the Chief Justice to list this case before another bench, FIR has been registered today, to give a political colour to it, on the basis of a complaint dated 07.09.2020, by the ACB. It is further urged that after filing of this petition and recusal from the case by the Hon'ble Judge of this Court, registration of offence immediately projected over the social media and newspapers against the petitioner and also two daughters of a sitting Judge of the Hon'ble Supreme Court of India, amounting to scandalizing the authority with a mala fide intention, by way of media trial. In view of the said facts, prayer is made not to take any coercive steps on the basis of registration of FIR including investigation after filing of the writ petition and its publication in the print, electronic and social media.

Reliance has been placed by the learned senior counsel appearing on behalf of the petitioner on a judgment of the Delhi High Court in the case of Naveen Jindal v. M/s.Zee Media Corporation Ltd., & Anr. [2015 SCC ONLINE DELHI 7810].

Per contra, learned Senior Counsel Sri C.V.Mohan Reddy, appearing on behalf of respondent No.3, contends that as the news has already come in the electronic media, therefore, the said relief is now rendered infructuous; even otherwise, media cannot be restrained to publish news. Reliance has been placed by him on the judgment of Hon'ble the Supreme Court in the case of Sahara India Real Estate Corporation Ltd. & others v. SEBI & Anr. [(2012) 10 SCC 603].

Learned Advocate General appearing on behalf of respondents 1 and 2 has strenuously urged that the manner, in which the pleadings have been made in the name of respondent No.5, is not proper; therefore, it is an abuse of process of the court. Thus, in such circumstances, interference by this court is not warranted.

Learned senior counsel S.S.Prasad, appearing on behalf of respondent No.4, in reference to the letter dated 23.03.2020, contends that, on account of the allegations as made against the petitioner, FIR has rightly been registered; therefore, at this stage, interference in this writ petition is not warranted.

After hearing learned counsel appearing on behalf of the parties and considering the facts of the case and the circumstances in which the issue cropped up with respect to a former Advocate General and also looking to the news as read during the course of hearing, in the considered opinion of this court, the response of respondents 1 to 4 and 6 is required. Let response be filed by them within a period of FOUR WEEKS.

Considering the prayer as made in I.A.Nos.1, 2 and 3 of 2020, by way of interim relief, it is directed that no coercive steps shall be taken in furtherance to FIR No.08/RCO-ACB-GNT/2020 of ACB, Guntur, dated 15.09.2020, which has been registered after filing of this writ petition against any of the accused. The enquiry, investigation is also stayed. It is further directed that the news in regard to registration of FIR or in the context of the said FIR shall not be made public in any electronic, print or social media, to foist the office of a former Advocate General and also with respect to the other alleged accused persons.

The Secretary, Home Department, Govt. of A.P., the Director General of Police, A.P., shall inform through the Information and Public Relations Department, Govt. of A.P., to the effect that no electronic or print news item be published with respect to the FIR No.08/RCO-ACB-GNT/2020 of ACB, Guntur, dated 15.09.2020 and connected events until further orders of this Court. Social media posts shall also not be published and, in this regard, the Director General of Police, A.P., and the Ministry of Information and Broadcasting, Govt. of India, shall take steps to inform the relevant social media platforms/houses in this regard.

List this case for further hearing after FOUR WEEKS.

A copy of this order shall be communicated forthwith to the Secretary, Home Department, Govt. of A.P., the Director General of Police, A.P., the Information and Public Relations Department, Govt. of A.P., and the Ministry of Information and Broadcasting, Govt. of India and other connected stakeholders, if any. On receipt of copy, the Director General of A.P., shall ensure supervision and strict adherence to the directions of this court.”

SD/- M.S.V. NAVIN CHANDRA
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,
1. The Principal Secretary, Home Department, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID prlsecy home@ap.gov.in (by RPAD)

2. The Director General of Police, Andhra Pradesh, Office at AP DGP Head Quarters, Mangalagiri, Guntur District, Andhra Pradesh- 522503. Email ID dgp@appolice.gov.in (by RPAD)
3. The Director General, Anti-Corruption Bureau, Andhra Pradesh, Office at AP Head Quarters Office, 2nd Floor, N.T.R. Admn. Block, Pandit Nehru Bus Station, Vijayawada - 520001. Email ID dg_acb@ap.gov.in (by RPAD)
4. The Addl. Director General of Police, Crime Investigation Department, AP DGP Head Quarters, First Floor, Mangalagiri, Guntur Urban District -522503, Andhra Pradesh. Email ID contact@cid.appolice.gov.in (by RPAD)
5. Dr Kolli Raghuram Reddy, IPS, DIG, Intelligence Department, 54-19-21/3D, Popular Towers, LIC Colony, Vijayawada- 520008, Andhra Pradesh. Email ID kolliraghuram.reddy@ips.gov.in (by RPAD)
6. The Joint Secretary (P & A), Ministry of Information and Broadcasting, Government of India, A Wing Shastri Bhawan, New Delhi - 110001.
7. The Commissioner, Information and Public Relations Department, 2nd Floor, NTR Administrative Block, Pandit Nehru bus Stand, Vijayawada, Krishna District, A.P.
8. One CC to SRI. GINJUPALLI SUBBA RAO Advocate [OPUC]
9. Two CCs to the Advocate General, High Court of Andhra Pradesh (OUT)
10. One CC to Smt Renuka, Standing Counsel for ACB, (OPUC)
11. One CC to Sri Venkateswara Rao, Standing Counsel for Crime Investigation Department, (OPUC)
12. Two CCs to GP FOR HOME, High Court Of Andhra Pradesh. [OUT]
13. One Spare Copy

MSR

HIGH COURT

HCJ

DATED:15/09/2020

ORDER

WP.NO.16468 OF 2020

DIRECTION

