

A CH. RAMOJI RAO, CHAIRMAN RAMOJI GROUP OF COMPANIES
AND ANR.

v.

STATE OF ANDHRA PRADESH

B OCTOBER 13, 2006

[ARIJIT PASAYAT AND LOKESHWAR SINGH PANTA, JJ.]

Code of Criminal Procedure, 1973:

C s.482—Application before High Court for quashing proceedings
pursuant to complaint u/ss. 199 and 200 — Complaint alleging a telecast
made on T.V. channel with intention to harm reputation of Chief Minister and
other functionaries of State—High Court declining to interfere—Before
D Supreme Court defence pleading that there was no such intention behind the
telecast—Direction given to the channel to telecast with the clarification
whereupon proceedings will be withdrawn—Penal Code, 1860—s.499.

A complaint under s.200 read with s.199 Cr.P.C. was filed on behalf of
the State against the appellants stating that they, with a common intention to
harm the reputation of the Government, its administration, the Chief Minister,
E several other Ministers and public servants, made a telecast on E TV-2
channel, which was *per se* defamatory. Their petition under s.482 Cr.P.C. for
quashing of the said proceedings was dismissed by the High Court holding
that a *prima facie* case existed and, therefore, no interference was called for.

F In the present appeal filed before this Court, submissions of the
appellants ultimately boiled down to the one that they had no intention in any
manner to harm reputation of the Chief Minister, other Ministers or the
officials, and, therefore, continuance of the proceedings would not be in public
interest.

G Disposing of the appeal, the Court

HELD: Public interest would be best served in directing the TV channel
to telecast the clarification stating that the earlier telecast was not intended
in any manner to defame or harm the reputation of the Chief Minister,
Ministers and officials and, if it has been construed that way, to clarify that

H 232

the same was not the intent and purpose of the broadcast. On such broadcast, it was stated at the Bar that all the proceedings relating to the broadcast would be withdrawn. [234-B-F] A

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 1050 of 2006. B

From the Final Order dated 27.6.2006 of the High Court of Judicature, Andhra Pradesh at Hyderabad in Criminal Petition No. 2812 of 2006.

Parag P. Tripathi, Neelima Tripathi and K.V. Mohan for the Appellants.

S. Satyanarayana Prasad, P. Vinay Kumar, C. Sindhu Kumari and D. Bharathi for the Respondent. C

The Judgment of the Court was delivered by

ARIJIT PASAYAT, J. Leave granted. D

Appellants call in question legality of the judgment rendered by a learned Single Judge of the Andhra Pradesh High Court dismissing the application filed by the appellants in terms of Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'). The prayer was to quash the proceedings in CC No. 2/2006 on the file of the Metropolitan Sessions Judge, City Criminal Courts at Hyderabad. The State of Andhra Pradesh represented by Special Public Prosecutor filed a complaint under Section 200 read with Section 199 Cr.P.C. stating that with a common intention intending to harm the reputation of the Government, of its administration, of the Chief Minister, several ministers and several public servants made a telecast on E TV-2 channel with commentary knowing fully that the same would harm reputation of public functionaries. The voice over the commentary was that of the appellant no.2. Many expressions and words used in commentary are per se defamatory. The appellants filed a petition in terms of Section 482 Cr.P.C. The stand was that the complaint was nothing but gross abuse of process of Court. The respondent opposed the application stating that on the facts alleged no interference in terms of Section 482 Cr.P.C. was called for. With reference to Section 499 of the Indian Penal Code, 1860 (in short 'IPC') the High Court dismissed the application, holding that a *prima facie* case existed and, therefore, no interference was called for. E F G

Though many points were urged in support of the appeal, leaned H

A counsel for the appellants submitted that actually there was no intention in any manner to harm reputation of the Chief Minister, of the Ministers or the officials and, therefore, continuance of the proceedings would not be in public interest.

B Learned counsel for the respondent on the other hand submitted that after showing the Chief Minister, ministers and the public officials in poor light, the appellants cannot take the plea of innocence.

C After hearing learned counsel at some length, we think that public interest would be best served in directing following broadcast to be made in the concerned TV channel by the appellants within a period of one week from today.

The telecast would be as follows:-

D “A news telecast had been made by the channels E TV-2 on 22.11.2005 covering the visit of the Chief Minister of Andhra Pradesh alongwith some of his ministers and officials to Putta Parthi Sai Baba. The voice over commentary for the said telecast was provided by Smt. Kalyani. It is clarified on behalf of channel E TV-2 that the content of the voice over commentary was not intended in any manner to defame or harm the reputation of the Chief Minister or his entourage of ministers and officials. If it has been construed that way, it is clarified that same was not the intent and purpose of the broadcast.”

E Learned counsel for the appellants has stated that to show the *bonafides* the appellants shall make the necessary broadcast within the time indicated.

F Learned counsel for the parties have agreed that all proceedings relating to the broadcast shall be withdrawn and shall not be pursued.

The appeal is accordingly disposed of.

R.P.

Appeal disposed of.