

**Reserved on : 23.03.2026**  
**Pronounced on : 10.04.2026**

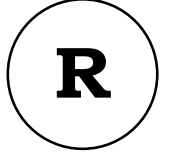
IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10<sup>TH</sup> DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.17138 OF 2025



**BETWEEN:**

- 1 . TV9 KARNATAKA PRIVATE LIMITED,  
REPRESENTED BY ITS DIRECTOR,  
SRI MAHENDRA MISHRA,  
S/O SRI MISHRA,  
AGED MAJOR,  
NO. 13/1, OPPOSITE TO HOCKEY STADIUM,  
RHENIUS STREET, CIVIL STATION,  
RICHMOND TOWN,  
BENGALURU – 560 025.
- 2 . M.S.NAGESH GOWDA  
S/O SRI SHIVANNA,  
AGED MAJOR,  
EX-SPECIAL CORRESPONDENT,  
TV9 KARNATAKA PVT.LTD.,  
R/O NO.163, 2<sup>ND</sup> CROSS, 2<sup>ND</sup> MAIN,  
KAMALA NAGAR,  
BASAVESHWARANAGAR WEST,  
BENGALURU – 560 079.
- 3 . H.V. KIRAN,  
S/O SRI R.VENKATARAMU,  
AGED MAJOR,

EX-PRINCIPAL CORRESPONDENT  
TV9 KARNATAKA PVT. LTD.,  
R/AT NO.124, 2<sup>ND</sup> MAIN,  
ITI LAYOUT, CHANDRA LAYOUT  
BENGALURU – 560 039.

... PETITIONERS

(BY SMT KEERTHI REDDY, ADVOCATE)

**AND:**

- 1 . CENTRAL BUREAU OF INVESTIGATION  
CBI/SCB/CHENNAI,  
BY SPECIAL PUBLIC PROSECUTOR,  
CBI, BENGALURU – 560 001.
- 2 . T. RAJASHEKARA,  
DY.SUPDT. OF POLICE,  
CBI, SPECIAL TASK BRANCH,  
III FLOOR, RAJAJI BHAVAN,  
BESANT NAGAR, CHENNAI – 600 090.

... RESPONDENTS

(BY SRI P.PRASANNA KUMAR, SPL.PP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.13702/2025, AND SET ASIDE THE ORDER DATED 03.05.2025 TAKING COGNIZANCE FOR OFFENCES U/S 5 R/W 16 OF THE CABLE TELEVISION NETWORKS (REGULATION) ACT, 1995, PENDING BEFORE THE HON'BLE XVII ADDL.CJM (ACJM) BENGALURU AS THE SAID PROVISIONS STAND DECRIMINALISED BY THE JAN VISHWAS (AMENDMENT OF PROVISIONS) ACT, 2023.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 23.03.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**CAV ORDER**

The petitioners/TV9 Karnataka Private Limited and its correspondents are before this Court calling in question proceedings in C.C.No.13702 of 2025 pending before the XVII Additional Chief Judicial Magistrate, Bengaluru – Special Court for CBI Cases.

2. Heard Smt. Keerthi Reddy, learned counsel for the petitioners and Sri P. Prasanna Kumar, learned Special Public Prosecutor appearing for the respondents.

3. Facts, in brief, germane are as follows: -

3.1. An incident takes place on 02-03-2012 at the City Civil Court complex, Bengaluru. It forms the genesis of the present proceedings. One Sri Gali Janardhana Reddy, former Minister was to be produced before the 46<sup>th</sup> Additional City Civil Judge and

Special Judge for CBI cases. The incident garnered media attention, both print and electronic media including the petitioners were present at the City Civil Court complex to telecast unfolding of developments. Large number of media personnel entered the Court premises to capture visuals relating to the production of the former Minister. The presence of media and broadcasting vans inside the precincts of the Court complex coupled with pre-existing animosity between the members of the Bar and sections of media took an ugly turn. The taking of ugly turn led to squabble and grievous injuries both to the media, Police and the Advocates. Close to 191 FIRs come to be registered across various police stations in Bengaluru relating to the violence involving different groups and members of the public. The Advocates' Association, Bengaluru also registers multiple complaints seeking action against police excesses. Judicial intervention was sought by filing petitions before this Court and this Court then constituted a Special Investigation Team headed by Sri R.K. Raghavan, former Director of the CBI.

3.2. The Advocates' Association then approached the Apex Court seeking a direction to entrust the entire investigation to the

hands of the CBI. The Apex Court, in terms of its order dated 27-08-2013, entrusted the entire matter to the hands of the CBI. The investigation commenced into all related incidents including the allegations concerning media. During the course of investigation, the Company – TV9 Karnataka Private Limited and two of its correspondents were arrayed as accused in C.C.No.173 of 2015. The allegation, in the said criminal case is verbatim similar, as is alleged in the present case. Against several others, a coordinate Bench of this Court quashed the proceedings making it clear that liberty was reserved upon fulfillment of legal requirements and existence of fresh material against those persons to be arrayed as accused all over again. On the liberty reserved by this Court while quashing proceeding in C.C.No.173 of 2015 on 03-09-2019, the State Government passes an order on 22-11-2023 authorizing Officers of the CBI to file a complaint for offences punishable under Sections 5 and 16 of the Cable Television Networks (Regulation) Act, 1995 (hereinafter referred to as 'the Act' for short). On 03-05-2025, the concerned Court takes cognizance of the offence under Section 5 r/w 16 of the Act and issues summons to the

petitioners. It is the issuance of summons that has driven the petitioners to this Court in the subject petition.

**SUBMISSIONS:**

**PETITIONERS:**

4. The learned counsel Smt. Keerthi Reddy appearing for the petitioners would vehemently contend that the date on which the permission granted was on 22-11-2023 by the State Government to file a complaint before the jurisdictional Magistrate under Section 5 and 16 of the Act. Section 16 was decriminalized. On 05-10-2023 it was notified that the amendment enabled the offence of television network to be a civil offence and not criminal offence. The learned counsel would submit that in spite of change in the statute, the allegations remain the same that were earlier quashed, but reserving liberty to the State. There was no fresh material whatsoever that would enable a fresh crime to be registered. Verbatim reiteration of allegations that stood quashed would amount to misuse of liberty granted by this Court. The learned counsel would submit that the concerned Court without application of mind and without noticing unexplained delay of 10 years in

registering the subject complaint takes cognizance and issues summons. Therefore, the proceedings before the concerned Court must not be permitted to be continued.

**CBI:**

5. *Per contra*, the learned counsel Sri P. Prasanna Kumar representing the CBI would not dispute the position that the amendment to the Act led to decriminalization of Section 16 of the Act and the amendment to the Rules brings in that it is a civil offence. However, he would submit that the concerned Court has now taken cognizance of the offence and, therefore, the proceedings must be permitted to be continued. It is the act of these petitioners by generating certain fake news the entire issue sprang up. This Court, while quashing the proceedings, reserved liberty to the CBI to proceed against the petitioners on the same cause of action after complying with legal necessities as there was no sanction under Section 196 of the Cr.P.C., to register a crime for offence under Section 153A(1)(b) of the IPC. He would further submit that CBI is to be permitted to investigate into these offences, as Section 3 of the Delhi Special Police Establishment Act,

1946 includes the offences under the Act, could be investigated into by the CBI. The learned counsel would contend that, as on the date of commission of offence, the Act and the offence under the Act were subsisting. The amendment has come about at a later point in time and as such, it would not mean that the offence should be obliterated on the ground that today the offence is decriminalized. It is the date of the offence that assumes significance and seeks dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

**CONSIDERATION:**

7. The afore-narrated facts are not in dispute. The incident that has happened and the link in the chain of events are also not in dispute. The Apex Court refers the matter to the hands of the CBI on the following reasons in terms of its order dated 27-08-2013 passed in Civil Appeal No.7159 of 2013:

"... .."

8) It is seen that on account of serious and unfortunate incident involving advocates, police personnel, journalists, media persons in the City Civil Court Complex at Bangalore on 02.03.2012, large number of persons were assaulted and injured. It is alleged by the appellant-Association that the same was caused due to the action of the police and the media. The appellant-Association also raised serious allegations against the print and electronic media in broadcasting false and provocative news thereby maligning and demeaning the advocate community.

9) Initially, the appellant-Association filed a Writ Petition No. 7623 of 2012 praying for a direction to the State Government to entrust the investigation to the CBI. Several other writ petitions were also filed. By impugned order dated 16.05.2012, the High Court disposed of the writ petition by constituting a SIT headed by Shri R.K. Raghavan, a retired Director of the CBI and other officers. It is further seen that on 19.10.2012, this Court reconstituted the SIT to investigate into the incident and also directed to submit a report within three months from the date of the order.

10) It is the grievance of the appellant-Association that in spite of the directions of this Court and a series of notifications issued by the State Government constituting and re-constituting SIT for one reason or the other, the fact remains that even after a lapse of one year and five months from the date of the incident, the investigation has not yet been commenced. It is unfortunate that even after the order of this Court dated 19.10.2012 nothing has happened. It is relevant to mention that the constitution of the so-called SIT has not completed till date. Though Mr. K.V. Viswanathan, learned senior counsel for the respondent State raised an objection as to the averments in para 9 in I.A. No. 8 filed by the appellant-Association, it is clear that in spite of the modified order of this Court, the investigation is yet to commence due to non-formation of SIT.

11) As regards entrusting the investigation to the CBI, a Constitution Bench of this Court in **State of West Bengal and Others vs. Committee for Protection of Democratic Rights, West Bengal and Others**, (2010) 3 SCC 571 has laid down

certain principles. Though the CBI has issued various principles/suggestions for endorsing the matter to CBI in para 68, it is worthwhile to refer the conclusion in paras 69 & 70.

**69.** In the final analysis, our answer to the question referred is that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution, to CBI to investigate a cognizable offence alleged to have been committed within the territory of a State without the consent of that State will neither impinge upon the federal structure of the Constitution nor violate the doctrine of separation of power and shall be valid in law. Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealously and vigilantly.

**70.** Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

Keeping the above principles in mind, considering the series of unfortunate incidents which occurred within the City Civil Court Complex, Bangalore on 02.03.2012 involving members of the bar, police personnel, journalists and media persons and in spite of the specific direction by the High Court as early as on 16.05.2012, subsequent order of this Court dated 19.10.2012, and also of the fact that the composition of SIT itself has not

been finalized, we feel that the present case falls within the principles enunciated by the Constitution Bench and we are satisfied that CBI inquiry is necessitated in the matter in issue.

12) In the light of what is stated above, while setting aside the impugned order of the High Court dated 16.05.2012 and in modification of earlier order of this Court dated 19.10.2012, we entrust the entire investigation of the incident to the CBI. Accordingly, we direct the CBI to carry out the investigation and submit a report before the appropriate Court having jurisdiction at Bangalore within a period of six months from the date of receipt of copy of this judgment. We further direct the State/SIT to immediately hand over all the records pertaining to the said investigation to the CBI."

The cases of these very petitioners were also before the CBI. The petitioners called in question the action of the CBI in investigation and filing its final report for the offences under Section 153A(1)(b) of the IPC and Section 5 r/w 16 of the Act before this Court in Criminal Petition No.6926 of 2015. The coordinate Bench of this Court, in terms of its order dated 03-09-2019, allows the petition with the following observations:

".... ....

3. The allegations against the present petitioners are that accused No.2 Sri.M.S.Nagesh Gowda – Input Chief of TV9 news channel, delegated Court Correspondent Sri Ramesha, Crime Reporter Sri Ram Prasad and Bureau Chief H.V.Kiran (accused No.3) to cover the news about the former Minister Sri.Gali Janardhana Reddy who was to be produced at CBI Special Court on that day. At about 11 a.m., the Bureau people informed accused No.2 about the clashes taking place between the media

and advocates. The material allegation made against the petitioners read as under:-

"At about 3.40 p.m. A-3 H.V.Kiran conveyed a false news to A-2 Nagesh Gowda of A-1 Company to the effect that, 'Police Constable dead due to treatment failure. Police Constable is dead. Constable Mahadevaiah is dead', fully knowing it to be false. A-2, in pursuance of the criminal conspiracy telecasted the said news item captioned 'BREAKING NEWS'.

4(i) Learned counsel for the petitioners, at the outset, submitted that the allegations made against the petitioners do not attract the ingredients of any of the above offences. Section 66A of Information Technology Act, 2000 is struck off from the statute as ultra vires of the Constitution by the Hon'ble Supreme Court in SHREYA SINGHAL vs. UNION OF INDIA, AIR 2015 SC 1523. As such, charge under section 66A of Information Technology Act, 2000 cannot stand against the petitioners.

**(ii) Insofar as the offence under sections 5 read with 16 of Cable Television Networks (Regulation) Act, 1995 is concerned, the institution of the said proceedings without compliance of section 18 of the same Act is legally untenable.**

(iii) Likewise, no prosecution could have been instituted against the petitioners in respect of the alleged offences punishable under section 153-A(1)(b) of IPC as well as the conspiracy to commit the said offences in view of the bar contained under section 196 of Cr.P.C., except with the previous sanction of the Central Government or State Government.

(iv) In the instant case, none of these mandatory requirements have been complied with by the prosecution. As a result, learned Magistrate was debarred from taking cognizance of the alleged offences against the petitioners and hence, the proceedings initiated against the petitioners being opposed to law and abuse of process of court are liable to be quashed.

5. Learned counsel appearing for respondent does not dispute the legal position that in view of the decision of the Hon'ble Supreme Court in Shreya Singhal's case, referred supra, charge under section 66A of Information Technology Act, 2000

cannot be sustained. He also does not dispute the fact that the mandatory requirements of section 18 of the Cable Television Networks (Regulation) Act, 1995 as well as requirements of section 196 of Cr.P.C., have not been complied in the instant case.

6. In view of this factual and legal position, the impugned proceedings initiated against the petitioners cannot be sustained.

Accordingly, petition is **allowed**. Proceedings initiated by respondent in C.C.No.173/2015 of CBI/SCB/Chennai on the file of XVII ACMM, Special Court for CBI Cases, Bengaluru are quashed insofar as the petitioners namely accused Nos.1, 2 and 3 are concerned. Liberty is reserved to the respondent to proceed against the petitioners on the same cause of action, after complying with the legal requirements in accordance with law, if found necessary."

**The order in question came to be passed in the year 2019, in relation to an incident that traces its origin to as far back as 2012. Thereafter, an inexplicable and protracted silence ensued, with the State Government remaining supine and taking no discernible action for nearly eight long years.** It was only on 22-11-2023, after this inordinate lapse of time, that the State Government stirred to issue an order, authorizing officers of the CBI to institute a complaint before the jurisdictional Magistrate. Acting upon such belated authorization, a complaint eventually came to be lodged before the jurisdictional Magistrate on 26-07-2024. The complaint reads as follows:

"... .."

23. That, Shri M.S. Nagesh Gowda (**A-2**), Input Chief of TV-9 news channel detailed court correspondent Shri Ramesha, Crime Reporters, Shri Ram Prasad and Bureau Chief Shri H.V. Kiran (**A-3**) to cover the News about the former Minister Gali Janardhana Reddy who was to be produced at CBI Special Court on that day. At about 11 AM, the bureau people informed A-2 about the clashes taking place between the media and advocates. At about 3.40 p.m. A-3 H.V.Kiran conveyed a false news to A-2 Nagesh Gowda of A-1 Company to the effect that, **"Police Constable dead due to treatment failure Police Constable is dead Constable Mahadevaiah is dead"**, fully knowing it to be false. A-2, in pursuance of the criminal conspiracy telecasted the said news item captioned **"BREAKING NEWS"**.
24. That, Shri M.S. Nagesh Gowda (A-2), Input Chief of TV9 news channel, M/s TV9 Karnataka Private Limited (4-1), represented by its authorized representative and Shri H.V. Kiran (A-3), on 02-03-2012 entered into a criminal conspiracy among themselves to cause escalation of violence against Advocates of City Civil Court, Bangalore with wantonly, with the view to disturb the public tranquility, telecasted false and inflammatory news regarding death of Police Constables in the assault advocates, knowing fully well that such false news would aggravate situation and escalate violence among Policemen, which would result in jeopardy to public tranquility.
25. The complainant finally submits that M/s TV9 Karnataka Private Limited (A-1); Shri M.S. Nagesh Gowda (A-2) and Shri H.V.Kiran (A-3) **were party to the criminal conspiracy and in pursuance thereof, they in the after on 02-03-2012 had telecast false and misleading information through their TV channels to the effect that, few policemen have been killed in the rioting, that was allegedly taking place in the City Civil Court Complex, Bangalore and thus, constitute commission of offence punishable under**

Section 5 r/w 16 of the Cable Television Networks (Regulations) Act, 1995.

26. That, the authorization vide Government Order No. KCI:PIF/40/2021 dated 22-11-2023 has been issued by the Department of Kannada, Culture & Information, Government of Karnataka authorizing the Central Bureau of Investigation (not below the rank of PSI) to file the complaint before the competent Court for the offences under Section 5 r/w 16 of the Cable Television Networks (Regulations) Act, 1955 is enclosed along with the complaint.
27. It is most humbly submitted that the CBI did not arrest any of the accused persons mentioned in this complaint. Hence, it is humbly prayed that this Hon'ble Court may be pleased to issue process for securing these accused persons for the purpose of trial.
27. In view of the aforesaid facts and circumstances, it is therefore, humbly and respectfully prayed that this Hon'ble Court may be pleased to take cognizance of the case, issue summons and proceed against the accused persons M/s. TV9 Karnataka Private Limited (A-1) represented by Shri Mahendra Mishra, Shri M.S.Nagesh Gowda (A-2) and Shri H.V.Kiran (A-3) in accordance with law for the offences punishable under Section 5 r/w 16 of Cable Television Networks (Regulations) Act, 1995. Hence this complaint.

Dated this the 26<sup>th</sup> day July, 2024."

The complaint, as observed, was filed on 26-07-2024. The concerned Court takes cognizance of the complaint, registers a criminal case and issues summons in C.C.No.13702 of 2025. The order of the concerned Court reads as follows:

**ORDER**

Perused the complaint filed u/Sec.200 of Cr.P.C. and records produced along with the complaint.

2. It is submitted in the complaint that the case was registered on 30.09.2013 in compliance of the order dated 27.08.2013 passed by the Hon'ble Supreme Court in Civil Appeal No.7159/2013 arising out of SLP (C)No.22604/2012 which was filed by the Advocates Association, Bengaluru by the registering the Halsurgate Police Station Cr.No.281/2012 in respect to violent incident took place on 02.03.2012 at City Civil Court premises Bengaluru. Further, it is stated that after completion of investigation, the charge sheet has been filed for the offence punishable u/Sec.120 B r/w 153 A (1) (b) of IPC, Sec.66A of Information Technology Act, 2000 and Section 5 r/w 16 of the Cable Television Networks (Regulation) Act, 1995 against the accused persons and this Court has taken cognizance for the said offences and registered the case in C.C.No.173/2015. Further it is submitted that, during the trial, the accused have challenged the proceedings in C.C.No.173/2015 before the Hon'ble High Court of Karnataka in CrI.P.No.6926/2015 and the Hon'ble High Court vide its order dated 03.09.2019, quashed the proceedings in C.C.No.173/2015 on the ground that the Section 66A of I.T. Act, 2000 as struck down by the Hon'ble Supreme Court and non compliance of Sec.18 of Cable Television Networks (Regulation) Act and Sec. 196 of Cr.P.C. to take cognizance for the offence punishable u/Sec.16 of Cable Television Networks (Regulation) Act and Section 153 A (1) (b) of IPC respectively. It is further submitted that however, the Hon'ble High Court while quashing the charges, gave liberty to CBI to proceed on same cause of action after complying with the legal requirements in accordance with law.

3. Further, it is submitted that, the authorization vide Government Order No. KCI:PIF/40/2021, dated 22.11.2023 has been issued by the department of Kannada, Culture and Information, Government of Karnataka authorizing the CBI not below the rank of PSI to file the complaint before the competent Court for the offence punishable u/Sec. 5 r/w 16 of Cable Television Networks (Regulation) Act, 1995. Hence, the Dy.S.P. has filed this complaint.

4. Section 200 of Cr.P.C. reads as under -

A Magistrate taking cognizance of an offence on complaint shall examine upon oath the complainant and the witnesses present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant and the witnesses, and also by the Magistrate; Provided that, when the complaint is made in writing, the Magistrate need not examine the complainant and the witnesses,

(a) if a public servant acting or purporting to act in the discharge of his official duties or a Court has made the complaint; or

(b) if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 192:

Provided further that if the Magistrate makes over the case to another Magistrate under section 192 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.

5. In view of Section 200 (a) of Cr.P.C., when the complaint is made in writing by the public servant acting or purporting to act in the discharge of his official duties, the Magistrate need not examine the complainant and the witnesses.

6. In this case, the complainant is the public servant acting in the discharge of his official duty has made the complaint in writing. Hence, there is no need to examine the complainant and the witnesses. Hence, examination of complainant and the witnesses upon oath is dispensed with.

7. On perusal of the complaint, statements of the witnesses and documents enclosed with the complaint, it reveals that the accused No.1 is the M/s TV 9 Karnataka Pvt. Ltd., represented by authorized representative, the accused No.2 is the input chief of TV9 News Channel and Special correspondent and accused No.3 principal correspondent of TV 9 Karnataka Pvt. Ltd have telecasted the false and misleading information through accused No.1 TV 9 Channel regarding the death of few

Policemen in rioting that was allegedly taken place in the City Civil Court complex, Bengaluru, which constitute commission of an offence punishable u/Sec.5 r/w 16 of the Cable Television Networks (Regulation) Act, 1995.

8. As per Section 17 of the Cable Television Networks (Regulation) Act, 1995, where an offence under this Act has been committed by a Company, every person who, at the time of the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence.

9. On perusal of the complaint and the materials available on record, there is sufficient evidence, both oral and documentary to prosecute the accused persons for the offences punishable u/Sec.5 r/w 16 of the Cable Television Networks (Regulation) Act, 1995.

10. As per Section 18 of the Cable Television Networks (Regulation) Act, 1995, no Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by the authorized officer.

11. As per Section 2 (a) of the Cable Television Networks (Regulation) Act, 1995, 'authorized officer' means, within his local limits of jurisdiction, -

- (i) a District Magistrate, or
- (ii) a Sub-divisional Magistrate, or
- (iii) a Commissioner of Police,

and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorized officer for such local limits of jurisdiction as may be determined by that Government.

12. The document No.6 produced by the complainant reveals that, the Government of Karnataka has passed the order in KCI-PIF/40/2021, Bengaluru dated 22.11.2023 and authorized the officers of the Central Bureau of Investigation not

below the rank of PSI to file the complaint before the competent Court against the accused No.1 to 3 u/Sec.18 of the Cable Television Networks (Regulation) Act, 1995 for the offence punishable u/Sec.5 of the Cable Television Networks (Regulation) Act, 1995.

13. The document No.7 produced by the complainant reveals that Gazette Notification made on 18.06.2024 to investigate the offences punishable under the Cable Television Networks (Regulation) Act, 1995 and any attempt, abatement and/or conspiracy in relation to or in connection with the said offence by the members of the Delhi Special Police Establishment.

14. Hence, the Dy.S.P who is the authorized officer has filed the complaint in writing before this Court.

15. Having perused the records, I am of the opinion that at this stage the allegations made against accused persons are prima facie constitute the offences punishable u/Sec.5 r/w 16 of the Cable Television Networks (Regulation) Act, 1995 and there is sufficient material to proceed against them for the above said offences. Hence, I proceed to pass the following.

**ORDER**

Cognizance for the offence punishable u/Sec.5 r/w 16 of the Cable Television Networks (Regulation) Act, 1995 is taken against the accused No.1 to 3.

Office is directed to register the Criminal Case against accused No.1 to 3 in Criminal Register No.III.

Issue summons to accused No.1 to 3.

Call on 31.05.2025."

Issuance of summons is what has driven the petitioners to this Court.

8. Of considerable significance is a legislative development that occurred in the interregnum, long before the subject complaint came to be registered: namely, an amendment to Section 16 of the Act, being the very provision under which the offence is alleged against the petitioner, among others. Section 16 of the Act prior to the amendment, reads as follows:

**"CHAPTER IV**

**OFFENCES AND PENALTIES**

**16. *Punishment for contravention of provisions of this Act* — (1) *Whoever contravenes any of the provisions of this Act shall be punishable,—***

**(a) *for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;***

**(b) *for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.***

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the contravention of section 4-A shall be a cognizable offence under this section."

Pre-amended Section 16 of the Act stipulated that any contravention of its provisions would attract penal consequences in the nature of imprisonment for a term extending up to two years,

or fine, or both. **However, the legal landscape has since undergone a fundamental transformation, by virtue of the Jan Vishwas (Amendment of Provisions) Act, 2023 (hereinafter referred to as "the Amendment Act"), Section 16 stands wholly decriminalized, recasting what was once a criminal offence into a purely civil infraction. The amended regime contemplates only regulatory consequences such as, issuance of an advisory, censure, warning, or the imposition of a monetary penalty.** Clause 29 of the Schedule to the Amendment Act, which replaces Section 16 of the Act reads as follows:

".....

**1. Short title and commencement.**—(1) This Act may be called the **Jan Vishwas (Amendment of Provisions) Act, 2023.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule.

**2. Amendment of certain enactments.**—**The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.**

.....

**THE SCHEDULE**

(See Section 2)

<b>Sl. No.</b>	<b>Year</b>	<b>No.</b>	<b>Short title</b>	<b>Amendments</b>
(1)	(2)	(3)	(4)	(5)
			.....	.....
<b>29.</b>	1995	7	<b>The Cable Television Networks (Regulation) Act, 1995</b>	<p><b>(A) For CHAPTER IV, the following CHAPTER shall be substituted, namely:—</b></p> <p><b>“CHAPTER IV</b></p> <p><b>PENALTIES</b></p> <p><b>16. Penalty for contravention of provisions of this Act.—(1) Whoever contravenes any of the provisions of this Act shall be liable,—</b></p> <p><b>(a) for the first contravention with advisory, or censure, or warning, or a penalty which may extend to twenty thousand rupees, or with both;</b></p> <p><b>(b) for every subsequent contravention within a period of three years, with advisory, or censure, or warning, or a penalty which may extend to one lakh rupees, or with both,</b></p> <p>by such designated officer, as may be prescribed.</p> <p>(2) The designated officer, may, for the reasons to be recorded in writing, by order, impose penalty referred to in sub-section (1):</p> <p>Provided that in cases of more than three contraventions over a period of three years, the designated officer, in addition to penalty referred to in sub-section (1), may, for the reasons to be recorded in writing, by order, suspend or revoke the registration</p>

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granted:

Provided further that no order by the designated officer under this sub-section shall be made without giving a reasonable opportunity of being heard.

(3) Whoever aggrieved by the order made under sub-section (2), may prefer an appeal to the Secretary to the Government of India or such other officer authorised by him:

Provided that no such appeal shall be admissible after the expiry of thirty days from the date of receipt of such order:

Provided further that an appeal may be entertained after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time."

(B) In Section 22, in sub-section (2), after clause (da), the following clause shall be inserted, namely:—

"(db) the designated officer under sub-section (1) of Section 16;"."

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**Clause 29 of the Schedule to the Amendment Act, which substitutes Section 16 of the Cable Television Networks (Regulation) Act, 1995, unequivocally embodies this legislative shift, replacing penal sanctions with a graded system of civil penalties administered by a designated officer. The inevitable consequence of this amendment is**

**that the element of criminality, which once inhered in Section 16, stands completely effaced.**

9. Notwithstanding this clear legislative mandate, learned counsel for the respondents/CBI, Sri P Prasanna Kumar, has strenuously contended that the determinative point in time is the date of commission of the alleged offence, and not the subsequent statutory amendment—urging that the provision, as it stood then, must govern the field.

10. This submission, however, is fundamentally untenable. On the date of registration of the complaint, there existed no subsisting criminal offence under Section 16. A coordinate Bench, in Criminal Petition No. 6926 of 2015, had already quashed the proceedings, both on factual and legal grounds prevailing at the time. It was categorically held that, insofar as the offence under Section 5 read with Section 16 of the Act was concerned, the institution of proceedings without adherence to the mandatory requirements of Section 18 was legally unsustainable. Equally, prosecution under Section 153A(1)(b) of the IPC for conspiracy to commit the said

offence was barred by virtue of Section 196 of the Cr.P.C., in the absence of prior sanction from the Central or State Government. The coordinate Bench further underscored that none of the mandatory legal preconditions had been complied with by the prosecution. While disposing of the matter, liberty was reserved to the respondents to proceed afresh on the same cause of action, strictly in accordance with law and upon due compliance with statutory requirements, if they deemed it necessary. Strikingly, the State chose to act not within a reasonable timeframe - neither within months nor even a year -but after an inordinate lapse of eight years.

**11. The chronology of events, when viewed in its entirety, unveils not merely delay, but a profound inertia that has eroded the very substratum of the prosecution. What was once a live controversy has, through the passage of time and the evolution of law, been rendered a relic devoid of legal vitality. The liberty reserved by this Court in its earlier pronouncement was never intended to be an unbridled charter for resurrection of proceedings at the**

**whim of the State, long after the ambers of the cause had turned cold.**

**12. The State, having remained in a state of conspicuous dormancy for nearly eight years, now seeks to rekindle proceedings on the very same factual foundation – untouched, unaltered, and unembellished by any fresh material. Such an attempt, in the considered view of this Court, is not the exercise of lawful liberty, but its distortion. Liberty granted by a Court of law is a trust reposed in the prosecuting agency to act with diligence, promptitude, and fidelity to legal principles; it is not a license to awaken from slumber and set the criminal law in motion. More significantly, the legal landscape itself has undergone a transformation of decisive consequence. The offence alleged against the petitioners, once bearing the imprimatur of criminality, has since been denuded of its penal character by legislative intervention. The law, in its wisdom, has chosen to recast the alleged infraction as a civil transgression, thereby stripping it of the rigours of criminal prosecution. To**

**permit the continuation of criminal proceedings in the face of such a change would be to disregard not only the letter of the amended statute but also the spirit of fairness that animates criminal jurisprudence.**

13. Jurisprudence is replete with the Apex Court holding that a subsequent amendment if it is granting benefit to an accused, it must be given retrospective effect. The Apex Court in **T.BARAI v. HENRY AH HOE**<sup>1</sup> has held as follows:

".... ....

**22.** It is only retroactive criminal legislation that is prohibited under Article 20(1). The prohibition contained in Article 20(1) is that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence prohibits nor shall he be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. It is quite clear that insofar as the Central Amendment Act creates new offences or enhances punishment for a particular type of offence no person can be convicted by such ex post facto law nor can the enhanced punishment prescribed by the amendment be applicable. **But insofar as the Central Amendment Act reduces the punishment for an offence punishable under Section 16(1)(a) of the Act, there is no reason why the accused should not have the benefit of such reduced punishment. The rule of beneficial construction**

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<sup>1</sup> (1983) 1 SCC 177

**requires that even ex post facto law of such a type should be applied to mitigate the rigour of the law. The principle is based both on sound reason and common sense.** This finds support in the following passage from *Craies on Statute Law*, 7th Edn., at pp. 388-89:

"A retrospective statute is different from an ex post facto statute. "Every ex post facto law..." said Chase, J., in the American case of *Calder v. Bull* [3 US (3 Dall) 386: 1 L Ed 648 (1798)] "must necessarily be retrospective, but every retrospective law is not an ex post facto law. Every law that takes away or impairs rights vested agreeably to existing laws is retrospective, and is generally unjust and may be oppressive; it is a good general rule that a law should have no retrospect, **but in cases in which the laws may justly and for the benefit of the community and also of individuals relate to a time antecedent to their commencement: as statutes of oblivion or of pardon. They are certainly retrospective, and literally both concerning and after the facts committed.** But I do not consider any law ex post facto within the prohibition that mollifies the rigour of the criminal law, but only those that create or aggravate the crime, or increase the punishment or change the rules of evidence for the purpose of conviction.... There is a great and apparent difference between making an unlawful act lawful and the making an innocent action criminal and punishing it as a crime."

This judgment is subsequently followed by the Apex Court in **A.K.**

**SARKAR v. STATE OF WEST BENGAL**<sup>2</sup> wherein it is held as

follows:

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<sup>2</sup> (2024) 10 SCC 727

" .... .... "

**11. Whether the appellant can be granted the benefit of the new legislation and be awarded a lesser punishment as is presently prescribed under the new law? This Court in *T. Barai v. Henry Ah Hoe* [*T. Barai v. Henry Ah Hoe*, (1983) 1 SCC 177 : 1983 SCC (Cri) 143] , had held that when an amendment is beneficial to the accused it can be applied even to cases pending in courts where such a provision did not exist at the time of the commission of offence. It was said as under : (SCC p. 191, para 22)**

"22. It is only retroactive criminal legislation that is prohibited under Article 20(1). The prohibition contained in Article 20(1) is that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence prohibits nor shall he be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. It is quite clear that insofar as the Central Amendment Act creates new offences or enhances punishment for a particular type of offence no person can be convicted by such ex post facto law nor can the enhanced punishment prescribed by the amendment be applicable. **But insofar as the Central Amendment Act reduces the punishment for an offence punishable under Section 16(1)(a) of the Act, there is no reason why the accused should not have the benefit of such reduced punishment. The rule of beneficial construction requires that even ex post facto law of such a type should be applied to mitigate the rigour of the law. The principle is based both on sound reason and common sense.**"

**The complaint, as it now stands, is but a mirror image of what once stood quashed – devoid of novelty, bereft of fresh substance, and burdened to an inordinate and unexplained delay. There exists no surviving nexus between the original**

**proceedings and the present attempt, no living link that would justify the revival of prosecution.** The chain has long since been severed. The Apex Court in **MANOJ KUMAR SHARMA v. STATE OF CHHATTISGARH**<sup>3</sup> has held as follows:

".... .... ."

**30. Delay in lodging the FIR often results in embellishment, which is a creature of an afterthought. On account of delay, the FIR not only gets bereft of the advantage of spontaneity, danger also creeps in of the introduction of a coloured version or exaggerated story. In our opinion, such extraordinary delay in lodging the FIR raises grave doubt about the truthfulness of allegations made by Respondent 2 herein against the appellants, which are, in any case, general in nature.** We have no doubt that by making such reckless and vague allegations, Respondent 2 herein has tried to rope the appellants in criminal proceedings. We are of the confirmed opinion that continuation of the criminal proceedings against the appellants pursuant to this FIR is an abuse of the process of law. Therefore, in the interest of justice, the FIR deserves to be quashed. .. ..."

The said principle is subsequently reiterated by the Apex Court in the case of **CHANCHALPATI DAS v. STATE OF W.B.**<sup>4</sup>, wherein it is held as follows:

"..... .. ."

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<sup>3</sup> (2016) 9 SCC 1

<sup>4</sup>(2023) 20 SCC 120



In these circumstances, to compel the petitioner to stand trial would be to **subject them to a process that has lost its legal moorings. The continuation of such proceedings would not advance the cause of justice; rather, it would subvert it. The criminal process solemn and serious as it is, cannot be permitted to degenerate into an instrument of oppression or a ritual devoid of purpose.** This Court is, therefore, constrained to hold that the proceedings in question, if allowed to continue would amount to a manifest abuse of the process of law and would inevitably culminate in a miscarriage of justice.

14. For the aforesaid reasons, the following:

**ORDER**

- (i) Criminal Petition is **allowed.**
- (ii) Entire proceedings in C.C.No.13702 of 2025 pending before the XVII Additional Chief Judicial Magistrate (ACJM), Bengaluru stands quashed.

Consequently, pending applications also stand disposed.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

bkp  
CT: MJ