

ITEM NO.41

COURT NO.3

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11266/2024

(Arising out of impugned final judgment and order dated 03-05-2024 in CMA No.301/2024 passed by the High Court Of Andhra Pradesh at Amravati)

Y.S. SHARMILA

Petitioner(s)

VERSUS

YUVAJANA SRAMIKA RYTHU CONGRESS
PARTY (YSRCP) & ORS.

Respondent(s)

(IA No.116571/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 17-05-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Gaurav Agrawal, Sr. Adv.
Mr. Prithvi Pal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner is aggrieved by the Order of the High court dismissing the appeal filed by the petitioner which was in turn filed challenging the Order passed by the learned Principal District Judge, Kadapa dated 16.4.2024 in I.A. No.742/2024 in O.S. No.26 of 2024 injuncting the defendants including the petitioner in

the following manner:-

(a) Restraining the respondents/ defendants 1 to 7 and their henchmen from propagating and making above said derogative and defamative remarks against the YSRCP Party, Party President by name Y S Jagan Mohan Reddy (Chief Minister of Andhra Pradesh) and YS Avinash Reddy (proposed contesting candidate for Kadapa Parliamentary Constituency under YSRCP Party), more particularly incontrovertible propagation that Y S Avinash Reddy as 'MURDERER' of his uncle Y S Vivekananda Reddy and also the respondents are restrained from propagating during their election campaign that Y S Jagan Mohan Reddy is shielding the said Y S Avinash Reddy in this case through any PRINT, ELECTRONIC and SOCIAL MEDIA platforms, as the same case is pending before CBI Court, Nampally, Hyderabad, Telangana State for adjudication

The respondents/defendants 1 to 7 and their henchmen are further directed to remove all the objectionable remarks previously made against YSRCP Party. Party President by name Y S Jagan Mohan Reddy (Chief Minister of Andhra Pradesh) and Y S Avinash Reddy (proposed contesting candidate for Kadapa parliamentary constituency under YSRCP Party) in this contest from print, electronic and various social media platforms with immediate effect

(c) This court further directs the respondents to restrain themselves, their party cadre and their contesting candidates from making any personal attacks and criticizing rivals based on unverified allegations or distortions or regarding pending cases in the competent court of law They are further directed to maintain decent levels of public discourse, strictly adhere to prevailing Election Model Code of Conduct in the State of Andhra Pradesh issued by the Election commission of India and focus on their own party agenda and criticize failures of other parties, if any. Accordingly, the ad-interim injunction is granted till 30-04 2024."

3. This court in the case of "Bloomberg Television Production Services India Private Limited and Ors. Vs. Zee Entertainment

Enterprises Ltd.” reported as 2024 SCC Online SC 426 had observed as follows:-

“9. In essence, the grant of a pre-trial injunction against the publication of an article may have severe ramifications on the right to freedom of speech of the author and the public's right to know. An injunction, particularly ex-parte, should not be granted without establishing that the content sought to be restricted is 'malicious' or 'palpably false'. Granting interim injunctions, before the trial commences, in a cavalier manner results in the stifling of public debate. In other words, courts should not grant ex-parte injunctions except in exceptional cases where the defence advanced by the respondent would undoubtedly fail at trial. In all other cases, injunctions against the publication of material should be granted only after a full-fledged trial is conducted or in exceptional cases, after the respondent is given a chance to make their submissions.”

4. It could thus be seen that the learned District Judge even without affording opportunity of being heard to the defendants has passed an order of injunction which has very severe ramifications. In effect the injunction curtails the right of the defendants' freedom of speech and expression.

5. This Court is informed that various contempt petitions have been filed alleging the breach of the order passed by the learned Principal District Judge.

6. Issue notice, returnable within ten weeks.

7. In that view of the matter, we are inclined to stay the

order dated 16.4.2024 passed in I.A. No.742/2024 in O.S.
No.26 of 2024 and all subsequent proceedings.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)