

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3062 OF 2022

████████████████████ ...Petitioner
Versus
The State of Maharashtra and Anr ...Respondents

Mr. Shravan Giri a/w Mr. Praful Shukla for the Petitioner.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Viresh Purwant for the Respondent No.3.

*CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.*
DATE : 20th DECEMBER, 2022

P.C. :

1. Today, the matter was kept for recording compliance of the order dated 20th October, 2022.

2. Learned APP has tendered a report of the Deputy Commissioner of Police, Zone XII, Mumbai, dated 20th December, 2022. In the said report, it is stated that the costs as directed by this

Court vide order dated 20th October, 2022 will be paid to the petitioner within one week from today. Statement accepted.

3. We are further informed that a departmental inquiry as against the concerned officer has already been initiated, after which, the costs will be recovered from the concerned officer responsible for the said lapses. He states that the said inquiry will be over within three weeks. The report dated 20th December, 2022 is taken on record.

4. Mr. Purwant, learned Counsel appearing for the respondent No.3 has brought to our notice an article published by Mid-Day, pursuant to our order dated 20th October, 2022. He has tendered a copy of the said article. He submits that the publication of the names of the parties as well as photos by Mid-Day is clearly in contravention of Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Section 74 reads thus;

“Section 74 – Prohibition on disclosure of identity of children - (1) No report in any newspaper, magazine, news-

sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:

Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise [in the pending case or in the case which] has been closed or disposed of.

(3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.”

5. We have perused the photocopy of the said article, so tendered. Having regard to the fact, that Mid-Day has published the name of the child as well as the photographs of the child, in contravention of Section 74 of the Juvenile Justice (Care & Protection of Children) Act, 2015, we deem it appropriate to issue notice to the scribe of the said article – Shirish Vaktania, the Publisher and Editor of Mid-Day, as to why *suo-motu* action should not be initiated against

them. Notice be made returnable on **1st February, 2023**.

6. Matter to be listed under the caption 'For Directions'.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.