

Heard Sri. MSS, the respected designated counsel on I.A.NO.1. I.A.NO.1 is filed by the plaintiffs under Order XXXIX Rule 1 and 2 of CPC r/w Sec.151 to restrain the defendants from Airing or Broadcasting or publishing or expressing in any manner either directly or indirectly any matter or substance as mentioned in the plaint or in respect of any other matter making allegations against plaintiffs, raising their negative image, committing their character assassination, creating sarcastic news upon them, leveling allegations any kind against him, defaming or damaging statements or references subjecting the plaintiffs in any manner including showing the footages and pictures involving or referring to the plaints in negative spectrum pending disposal of the suit. The said application is supported by the affidavit of the letter of authority holder plaintiffs.

2. Perused the averments made in the plaint, averments made in the affidavit and other documents enclosed along with the Plaint, Press Note, FIR and other documents.

3. As per the averments made in the petition and affidavit, it reveals that, the defendants jointly and severally are making false and defamatory allegations against the plaintiffs by broadcasting so many allegations in media as well as in other modes. According to the plaintiff No.1, he is a public servant and he is present MLA from Chennagiri Constituency, Davanagere District from BJP party. Now, he was

appointed as a Chairman of Karnataka Soaps and Detergents Ltd., and he has done innumerable public works. The second plaintiff is the son of plaintiff No.1 who is working as Chief Accounts Officer at BWSSB.

4. It is further stated that, the plaintiff No.1 is a Mass Leader and in next coming Election the party wanted to assign responsible job to the first plaintiff. The rival parties having political rivalry against the plaintiff No.1 through media floating a false news against the plaintiff No.1 and his son alleging that, plaintiff No.2 was caught at the time of taking bribe of Rs.40 lakhs on behalf of his father i.e., plaintiff No.1 from the Contractor who was seeking to secure a contract of supply of Raw material to the KSDL. On the background, the Lokayuktha police raided on plaintiff No.2 at his office and caught him red handed. It is also the story that, the further raids of police upon the residence of the plaintiff also leads in recovery of certain amount of sums, unaccounted cash etc. In fact, to the said incident is concerned the plaintiff No.1 declared his innocence and stated that, it is a conspiracy of the persons who are not tolerating his prosperity.

5. Taking advantage of the said situation, the defendant Nos.1 to 45 are making false and defamatory allegations through public electronic media i.e., Television channels etc., by defaming the Good Will of the plaintiffs. It is also stated that, a special report and panel discussions are continuing in the media by assaulting the character assassination of the plaintiffs.

Whatever allegations made by various media including electronic media's are baseless and without confirming themselves about the truth. Thus, contended that if such a broadcasting is continued, it is nothing but a character assassination of the plaintiffs and also without giving opportunity to the plaintiffs to explain the situations. Accordingly, prayed to allow the application. If the application is not allowed the plaintiff is not in a position to lead their life respectfully in the locality.

6. It is not in dispute that, the plaintiff No.1 is a public servant and plaintiff No.2 is also working as a Chief Accounts Officer in BWSSB. Some of the statements and pictures has been downloaded by the plaintiffs and produced before this court. As per annexure No.2, a huge amount of money has been recovered by the Lokayuktha Police from the residence of plaintiff No.1. Further, there is a broadcasting in Television i.e., Youtube.com, Public TV News, Face Book.Com / Public T.V stating that, the plaintiffs are involved in huge corruptions. Further, there is a panel discussion saying that there is a deal for Rs.8 crores, pay MLA 40%, the Lokayuktha police have seized 8 bags of money, Maga Lock – Appa escape, Commission for Contract, Bribe Locker in house of the MLA – plaintiff No.1, by putting a tag on the neck of plaintiff No.2 showing by the plaintiff No.1 to pay entire commission to plaintiff No.2 etc.

7. No doubt, there is a shooting messages against the plaintiffs that they are involved in huge corruption scandal. Further, the Lokayuktha police have also

registered a FIR against plaintiffs in FIR No.13/23 under Sec.7(a) and (b) of PC, Act and other allegations.

8. The main grievance of the plaintiffs is that, they have no objections to broadcast a genuine news against the plaintiffs, but the defendants by exaggerating the matter they are broadcasting the news and also conducting panel discussion only with an intention to defame the Good Will of the plaintiffs and also it is doing at the instance of opposite party. It is also the contention of the plaintiffs when the matter is under investigation the investigating head shall not disclose anything to the public media about the investigation and other aspects till investigation is concluded. The way in which the media is broadcasting reveals that, all the investigations have been leaked by the investigating authority taking advantage of the same, the defendants are broadcasting false news against the plaintiffs.

9. Merely, the Lokayuktha police has raid the office of the plaintiff No.2 and seized bundle of notes, cannot give inference that both the plaintiffs are involved in the huge corruption scandal. Merely, amount is seized is not a ground to come to conclusion that, the plaintiffs are rank corrupts. When investigation is pending as per the Ruling of our High Court, contents of the diary should not be leaked to others, if leaked it will leads to weaken the investigation. No doubt, whatever the statement made by the medias should be bonafide and in the interest of larger public interest. Mere saying that, plaintiffs are corrupt is acceptable, but off and

often broadcasting the same in various news channels owned by the defendants and conducting panel discussions is nothing, but an assassination of character of plaintiffs, that to when the matter is being investigated by the Lokayuktha police under Constitution living in a dignity is also a Constitutional right. No doubt, the media people can also make publications, if there is a truth. The same shall be subject to verification whether it contains truth or not and they should possess material. Merely, on the basis of the statement given by the persons the defendants shall not broadcast a news as per their whims and fancies in order to help the other wings. The Constitutional right given to the media should not be misused by them. At this junction, it is necessary to cite the ruling of Hon'ble Delhi High Court reported in AIR 2015 (NOC)1281 in the matter of Naveen Jindal V/s. G.Media Corporation Ltd and another, wherein at para No.47 it is pleased to hold that:-

47. The nature of the programme, the questions and observations show they are likely to prejudice the police and hamper the course of investigation / inquiry which is being conducted by the police. I am persuaded to come to this conclusion on seeing the nature of questions being put by the Anchor in various TV Programmes. As an example, I may refer to the questions of the Anchor in asking the ASP as to who is

responsible for the presumed delay i.e., SSP Rai Garh, IG Police, DG Chattisgarh, Home Secretary, Home Minister or the Chief Minister. Another example is an observation by the reporter that the Women Commission and the police have maintained silence. Another example is the observation what the High Court has said can be done in two days if the police so desire. The programmes are replete with such questions / observations.

48. The nature of questioning done by the reporters of defendants, the extent of coverage being done by the defendants does show that an attempt is being prima-facie made to prod the police if not pressurize. The plaintiff have made out a prima facie case.

10. In another ruling reported in AIR 2004 BOMBAY 143, in the matter of Sri. Maheshwar Idol Power Corporation Ltd., v/s. Chitroopa Palit and Another, wherein it is pleased to observe that:-

However, in India, the settled principle of law is that a mere plea of justification by itself would not be adequate, but it should be supported by sufficient material subject to scrutiny by the Court for its veracity, and that the statement made should be bona fide

and should be made in the larger public interest and that the defendants had taken reasonable precaution of ascertaining the truth.'

The said ruling is aptly applicable to the case on hand. Because the way in which the defendants are conducting programme and broadcasting a news through electronic media by figuring the plaintiffs only with an intention to harm the Good Will of Society and there is no bonafide in their act without ascertaining the truth. Therefore, I am of the opinion it is a fit case to dispense the notice as contemplated under Order 39 Rule 3 CPC and grant ex parte T.I and I proceed to pass the following:

ORDER

I.A.No.1 filed by the plaintiffs under Order 39 Rule 1 and 2 r/w Sec.151 of CPC is hereby allowed.

The defendants are hereby temporarily restraining from Airing or Broadcasting or publishing or expressing any defamatory opinion against the plaintiffs in the news channels, public media and also conducting any panel discussions in any manner, till next date of hearing.

The plaintiffs are hereby directed to comply Order 39 Rule 3A of CPC.

If, plaintiffs are furnished sufficient PF, copies of plaint, copies of IA and other documents, then only office is directed to issue certified copy of the order sheet. If

the said things are not complied
exparte order granted to the
plaintiffs automatically stands
canceled.

Issue suit summons and
Orders on I.A.NO.1 to the
defendants,

Returnable by 20-04-2023.

(BALAGOPALAKRISHNA)
XXII ACC & SJ, B'LURU.