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W.P.No.18455 of 2022

**Writ Petition No.18455 of 2022**

**and**

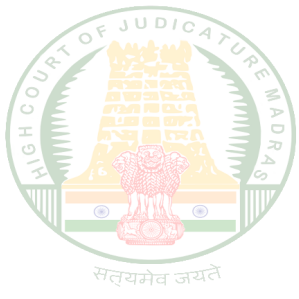
**W.M.P.No.17800 of 2022**

**N. SATHISH KUMAR,J**

Heard Mr.R.Sankarasubbu, learned counsel for the petitioner and Mr.Hasan Mohamed Jinnah, State Public Prosecutor, assisted by Mr.E.Raj Thilak, learned Additional Public Prosecutor for the respondents 1 to 4.

2. In consequence of the order dated 29/7/2022, learned State Public Prosecutor filed a report, dated 29/8/2022, on behalf of the School Education Department, duly signed by the Commissioner, School Education, College Road, Chennai 6, wherein it is stated as follows:-

*“2. With reference to the query posed by this Hon’ble Court in Paragraph 7 of the Order dated 29.07.2022, it is submitted that to alleviate the problems faced by the school children during their crucial adolescent period, psychological counseling is critical for building self confidence and self esteem and to inculcate the ability to handle pressure and failure,. Therefore psychological counseling to the students is very much essential.*



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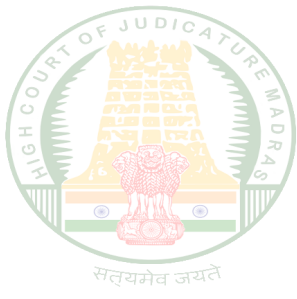
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3. *Considering this 10 mobile Psychological Counseling Centres were setup and 10 Psychological Counselors were appointed for the purpose as per the orders issued in GO(Ms)No.298 School Education Department dated 30.11.2012. The psychological counselors were giving counseling not only to the students but also to the parents of the concerned students.*

4. *With reference to the query posed by this Hon'ble Court in Paragraph 7 of the Order dated 29.07.2022, it is submitted that vide orders issued GO Ms No.199, dated 07.12.2015, 7 more psychological counseling centres were setup raising the total number of counseling centres from 10 to 17 for the 32 districts.*

5. *The details of the number of students benefitted by the psychological counseling offered by the then serving psychological counselors are given below :-*

S.No	Year	No. of Schools benefitted	Total no of students benefitted
1	2015-16	1696	3,15,754
2	2016-17	1242	2,31,542
3	2017-18	1240	2,16,592
4	2018-19	1,373	2,23,379
5	2019-20	984	1,49,037



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6. *The psychological counseling centres stopped functioning from the year 2020, since the schools remained closed due to the Covid-19 pandemic.*

7. *A new Health and Well being module under the ongoing program has been inaugurated by the Hon'ble Chief Minister in July 2022 to handle physical and mental well-being of the students studying in schools exclusively.*

a. *Under this program, students in the age group of 6 to 18 years in the Government and aided schools are being screened.*

b. *Each block (comprises of roughly 100 schools each) is given with 2 sets of mobile health team (one male doctor and one female doctor) that would visit schools every day, assess physical well being of the children and give psychological counselling to the students in the schools.*

8. *The Composition of the Mobile Health Teams in each block is as follows:*



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<i>Composition of Mobile Health Team</i>		
<i>S.No</i>	<i>Member</i>	<i>Number</i>
<i>1</i>	<i>Medical officers (MBBS doctors) – 1 male and 1 female</i>	<i>2</i>
<i>2</i>	<i>ANM / Staff Nurse.</i>	<i>2</i>
<i>3</i>	<i>Pharmacist * with proficiency in computer for data management</i>	<i>2</i>
<i>* In case Pharmacist in not available, other paramedics – Lab Technician or Ophthalmic Assistant with proficiency in computer for data management may be considered.</i>		

*Around 800 medical teams with support staff, vehicle and driver have been provided with for the entire state.*

*9. All Medical Officers have also been given adequate training through experts from Institute of Mental Health in order to provide psychological counseling to the children. During their visits to schools, besides physical screening, the health team would do counseling as well for the students by addressing adolescence and mental health issues.*

*10. With reference to Paragraphs 9 to 13 of the Order dated 29.07.2022, it is submitted that based on the announcement made by the Hon'ble Minister for School Education in the Legislative Assembly 2022- 2023, Co-*



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*curricular and extracurricular activities have been introduced in all schools. With reference to Paragraphs 16 of the Order dated 29.07.2022 to take steps for reducing the study hours, it is submitted that out of seven periods (i.e Academic working hours) per subject per week, one period has been reduced from his academic year. The various co-curricular and Extracurricular activities that have been introduced recently by the School Education department are:-*

*A. Art and Culture*

*The art and culture programmes are conducted for two periods in a week, in which students are trained through local folk artists. The training and participation of the students in the art and culture programmes would enable students to hone their innate talents and learn artistic skills. It helps the students to free themselves from mental stress and provide an opportunity to interact with others. Some of the trainings that are being offered include visual art, folk songs, folk dance, theatre, etc.,*

*B. Revival of Clubs*

*The Government have also revived school level clubs to improve the co-curricular activities for students*



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*of 6<sup>th</sup> to 10<sup>th</sup> standards. Two exclusive periods have been earmarked for the club activities exclusively.*

*Literary clubs encourage students to participate in storytelling and poem writing.*

*Environmental club creates environmental awareness among the students and enables them to participate in meaningful environmental activities like planting trees, gardening etc.*

*Quiz club encourages the students to prepare general knowledge puzzles for quiz programmes Robotic club apart from hands –on skilling creates awareness among students about cyber crimes and cyber safety and also to identify and avoid unsafe websites.*

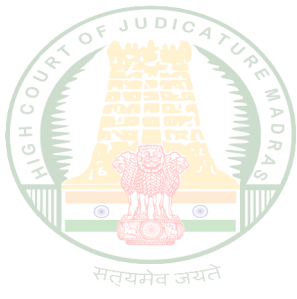
### *C. Library Activities*

*The department has also promoting general reading in the school by earmarking a period exclusively for the library activities*

*Each student is given a book form the school library every week.*

*Activities like quiz, elocution, story telling, book reviews, essay writing etc., are also being conducted in the library hour.*

*This enables the students to relax their mind from*



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*the routine academic learning besides improving their knowledge.*

*D. Movie screening*

*Children movies are also being screened in all Government Middle, High and Higher Secondary Schools.*

*The objective of this newly introduced programme is to bring out and improve the students' talent, their vision and their inclination in the desired field.*

*After the screening, children are encouraged to come forward and voice their views.*

*E. Kodai Kondattam*

*As announced by the Honorable Minister for School Education, the students were taken to hill station to spend time leisurely as well as creating opportunity to interact with best of the minds in various walks of life in the state.*

*Special training was also given to students during these sessions on Ecology, Leadership, Human Rights, Social Justice, Women rights, self awareness and futurology. Spending more time outside helps the students to reduce stress and enabled them to enjoy holidays free from academic pressure.*



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*The First trip for 1250 students took place in Coonoor for a week in the summer vacation of this year.*

*F. Safety Boxes*

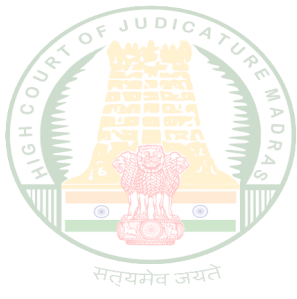
*Instructions have been issued to keep safety boxes at some prominent places in the school to get feedback form students.*

*The box shall carry the Helpline No. '14417' and shall be easily accessible to children. The Helpline aims to provide information, guidance and counseling to students for redressal of any kind of psychological and health issues faced by them.*

*11. The Child Helpline '1098' is also made visible to all the students by printing them in the Text Books and pasting them in each of the classrooms.*

*12. With reference to Paragraphs 15 of the Order dated 29.07.2022, it is submitted that as part of school health program, every district has been set up with District Early Intervention Centres (DEIC), where super specialists including Psychiatrists, Psychologist,*





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*Paediatrician, Cardiologist, ENT surgeon, Ophthalmologist, etc., The block level mobile health team on screening the children in their respective schools would decide whether the student needs further medical or surgical or psychological counselling related interventions in the DEIC.*

*13. Besides this, students are engaged in 2 periods (i.e 40 + 40 =80 minutes) in a week meant for club activities, 2 periods for art and culture related activities, 1 period for library, 2 period for physical education and sports and 1 period for moral instructions. All these activities are carried out within the school hours. This enables students to relax themselves for the academic monotony. Further, the above said extra-curricular activities would also enable the students express them well academically.*

*14. The State Government will also take steps to issue an advisory to all schools in the State, to ensure that the students are not burdened by undue academic pressure and make them involve in extra- curricular activities and provide access counselling services.*

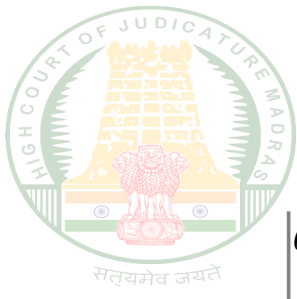


3. On a perusal of the above said report, this Court appreciates the efforts taken by the School Education Department in implementing various schemes for the welfare of the students throughout the State and the same should be implemented in letter and spirit for the benefit of the students and there must be a continuous monitoring by the concerned authorities to implement the various schemes suggested by the State in the status report.

4. Learned State Public Prosecutor had filed a Status report, dated 28/8/2022, duly signed by the Deputy Inspector General of Police, Salem Range, Head of Special Investigation Team, Kallakurichi, wherein, it is stated as follows:-

*“2. The following three cases were initially entrusted for investigation to the Special Investigation Team [SIT].*

Sl.No.	Police Station	Crime Number	Provision of law
01	Chinnasalem	236/2022 [SOC - Inside the School]	U/s 147,148,294[b], 323, 324, 506[II], 363, 332, 336, 435, 436, 379 IPC and Sec 3,4 & 5 of TNPPD Act
02	Chinnasalem	236/2022 [SOC - Outside the School]	U/s 147,148,294[b], 324, 353, 436, 506[II] and Sec 3,4 & 5 of TNPPD Act



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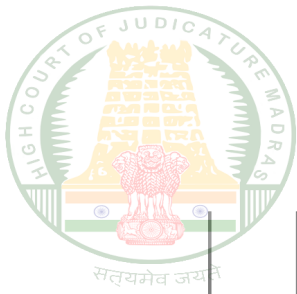
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03	Chinnasalem	236/2022 [SOC . Near Bharathi School, Chinnasalem]	U/s 147,148,294[b], 323, 324, 506[II] 342, 332, 336 and Sec 3,4 & 5 of TNPPD Act
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3. It is submitted that a case in Chinnasalem PS Crime No. 241/2022 u/s 448, 395 IPC was registered on 25.07.2022 on the complaint of Tr.Kuberan [37] s/o Kandasamy, Kuthakaikadu, Kaniyamoor village, for alleged dacoity of cattle which were under his care near Sakthi School Premises by several accused during the rioting. This case was also handed over to Special Investigation Team [SIT] by the Superintendent of Police, Kallakurichi on 30.07.2022.

4. It is submitted that, during the course of investigation, the investigation officers have sent requisition to various authorities/departments to assess the damages to the school buildings, vehicles and other properties. The following damage assessment reports have been received so far:

Sl. No.	Crime Number	Department	Properties damaged	Assessment of damage
1	236/2022	Government Automobile Workshop, Viluppuram.	Damage to 04 police and 51 private vehicles inside the school	90,98,500



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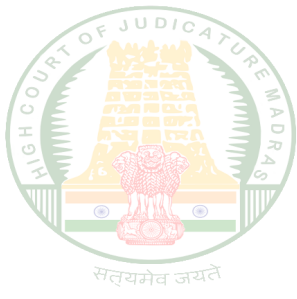


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		<i>Assessed by Private Organisation</i>	<i>Computer &amp; Accessories[Total 186]</i>	<i>1,50,000,00</i>
			<i>Damage to RO Plants</i>	<i>5,96,000</i>
			<i>Damage to Solar System</i>	<i>35,00,000</i>
			<i>Damage to UPS and batteries</i>	<i>2,53,000</i>
			<i>Damage to UPVC Windows and Doors</i>	<i>35,19,226</i>
			<i>Damage to Solar water Heater</i>	<i>2,17,710</i>
			<i>Damage to CCTVs</i>	<i>17,00,000</i>
		<i>TNEB, Kallakurichi</i>	<i>Damage to electrical installations [up to EB Meter]</i>	<i>65,885</i>
		<i>Agriculture Department, Kallakurichi</i>	<i>Damage to trees</i>	<i>1,27,666</i>
<i>2</i>	<i>237/2022</i>	<i>Government Automobile Workshop, Viluppuram.</i>	<i>Damage to 8 Police and 3 Fire &amp; Rescue Service vehicles</i>	<i>3,74,010</i>
<i>3</i>	<i>238/2022</i>	<i>Government Automobile Workshop, Viluppuram.</i>	<i>Damage to three police vehicles</i>	<i>74,300</i>
<b>Total</b>				<b>3,45,26,297</b>

4. *The damage assessment reports from Public Works Department [PWD] with regard to the damages caused to civil structure and electrical fittings inside the school premises are yet to be received.*

5. *202 witnesses have been examined by the*



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*investigation officers so far, which includes 68 injured police personnel.*

***ACTION TAKEN RELATING TO  
IDENTIFICATION OF VIOLATORS:***

*6. Exclusive cyber analysis teams are assisting IOs in the analysis of mobile tower call data records (CDRs), mobile phone CDRs, Whatsapp groups, rioting videos and photographs collected from various sources, provocative/misleading materials found on online platforms like Youtube, Facebook, Twitter etc., in order to identify the perpetrators of crime.*

*7. Videos and photographs covering the extensive arson, rioting and criminal activities committed by the protestors are collected through various sources including CCTV footage, media clippings, police photographers and other general public and witnesses to identify the perpetrators. **So far, 954 videos and 150 photographs have been collected.** Specific portions of the videos containing serious offences like setting things ablaze, damaging the properties, breaking down the gates and assault on police personnel etc are being analysed and identity of the accused is being fixed.*



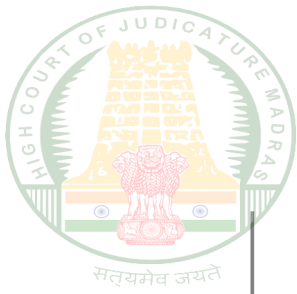
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8. It is submitted that 40 such accused have been identified through this process have been arrested and remanded to judicial custody so far, 03 children in conflict with law who committed such offences have also been apprehended and were sent to Juvenile care Home, as detailed below;-

Sl. No	Crime No.	Name of the accused/child in conflict with Law	Offence committed
1	236/2022	1. Manish (22) Cuddalore 2. Rajkumar (24) Sankarapuram  3. Karthick (24) Sankarapuram 4. Arunkumar (20) Kallakurichi 5. Kamalraj (21) Kallakurichi 6. Sridhar (20) Kallakurchi 7. Sathyamoorthi (22) Chinnasalem 8. Balamoorthi (22) Cuddalore 9. Santhosh (22) Kallakurichi 10. Naveenkumar (21) Sankarapuram 11. Ajithkumar (21) Sankarapuram 12. Ranjith (22)	Caused Damage to School Properties inside the School

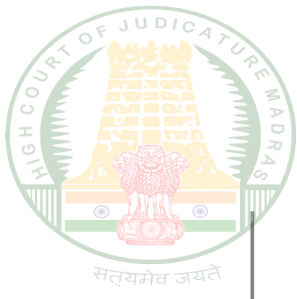


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		<i>Chinnasalem</i> 13. <i>Komadurai (25)</i> <i>Kachirayapalayam</i> 14. <i>Muthaiya (19)</i> <i>Tittakudi</i> 15. <i>Sarpathin (45)</i> <i>Chinnasalem</i> 16. <i>Anbarasu (17)</i> <i>Chinnasalem</i> 17. <i>Vallarasu (20)</i> <i>Chinnasalem</i> 18. <i>Marimuthu (22)</i> <i>Chinnasalem</i> 19. <i>Tamilarasan(24)</i> <i>Ulagiyanallur</i>	
		20. <i>Sanjeev (22) Panruti</i>	<i>Damaged Police Jeep inside the School</i>
		21. <i>Latchathipathi (34)</i> <i>Chinnasalem</i>	<i>Burnt School office documents</i>
2	237/2022	1. <i>Parameswaran (22)</i> <i>Sankarapuram</i> 2. <i>Viyay@ Sabari (18)</i> <i>Kachirayapalayam</i> 3. <i>Murugan (20)</i> <i>Ulundurpet</i> 4. <i>Akash (21) Chinnasalem</i> 5. <i>Saranraj (34)</i> <i>Kallakurichi</i> 6. <i>Ramkumar (37)</i> <i>Chinnasalem</i> 7. <i>Ramkumar@Ramki(31)</i> <i>Ulagamkathan</i> 8. <i>Anbarasan(33)</i> <i>Tiruvannamalai</i>	<i>Pelted stone on Police personnel and caused injuries. Pelted stones and damaged Police vehicle outside the school</i>
		9. <i>Mani @ Manikandan (26)</i> <i>Kallakurichi</i> 10. <i>Nithish @ Vasanthan (19)</i> <i>Kallakurichi</i>	<i>Burnt police vehicle outside the school</i>



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		11. <i>Manivarma (21)</i> <i>Chinnasalem</i> 12. <i>Mani (44)</i> <i>Chinnasalem</i>	
		13. <i>Balaji (23)</i> <i>Chinnasalem</i> 14. <i>Suresh (30)</i> <i>Chinnasalem</i> 15. <i>Vijayaraj (23)</i> <i>Chinnasalem</i> 16. <i>Vijay Chinnasalem</i>	<i>Damaged School properties</i>
3	241/2022	1. <i>Poovarasan (27)</i> <i>Chinnasalem</i> 2. <i>Manikandan (35)</i> <i>Chinnasalem</i> 3. <i>Athisakthi (18)</i> <i>Chinnasalem</i>	<i>Committed dacoity of cattle from the School premises</i>

9. *Apart from the above accused, an accused who rammed the tractor on the parked school buses inside the school and caused damages was identified as one Jeyavel s/o Jothivel of Bangaram village, Chinnasalem Taluk Kallakurichi District and while the SIT team was in search of the said accused, he absconded and later surrendered before the Learned Judicial Magistrate Court, Kallakurichi and was remanded to judicial custody.*

***ACTION TAKEN RELATING TO OFFENCES  
COMMITTED USING SOCIAL MEDIA***





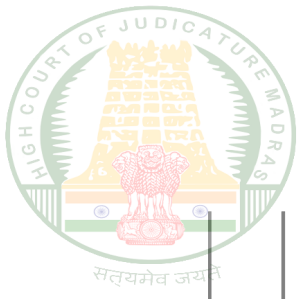
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10. Information has been collected regarding several whatsapp groups in various names like .Justice for Srimathi. through which protestors were instigated and made to congregate near the school on 17.07.2022. Eight such WhatsApp groups are identified so far and the mobile numbers of creator/admin/members of these groups are being collected and analysed. Based on the analysis of chat history, mobile numbers of creator/admin/active members who posted audio/ text messages instigating the members of the group to indulge in violent protest are being shortlisted and their actual identity is being ascertained. 13 such accused have been arrested so far as detailed below:

Sl. No	Crime No.	Name of the accused	Offence committed
1	236/2022	1. Vijay(28) Veppur 2. Duraipandi (20) Sankarapuram  3. Gnanaprakasam (41) Veppur	<b>Whatsapp group creators/ admins and spreading of provocative false information through chat messages and voice messages</b>
		1. Iyyanar (18) Kallakurichi 2. Lokesh (20) Attur, Salem dt 3. Vignesh (23) Chinnasalem	<b>Members of Whatsapp groups who had posted instigating messages</b>



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4. *Suriya (19) Kallakurichi*
5. *Manivasasgam (20) Chinnasalem*
6. *Ashokkumar (27) Veppur*
7. *Sivakumar (22) Tittakudi*
8. *Sathyaraj (36) Tittakudi*
9. *Sundar (19) Ulundurpet*
10. *Anbu(21), Ulagiyanallur*

11. *Requisition was sent for blocking of content in 63 YouTube links, 31 Twitter links and 27 Facebook (including 2 Instagram) links which were found to be in the nature of spreading false information/ conducting parallel investigation/trial. Request was sent for the removal/blocking of the said You Tube links. Majority of these links have been blocked as detailed below:*

<b>Online Platform</b>	<b>Total Links</b>	<b>Removed/Blocked</b>
<i>You Tube</i>	63	59
<i>Twitter</i>	31	07
<i>Face Book</i>	23	21
<i>Instagram</i>	02	02

12. *During the course of investigation by the SIT based on the examination of witnesses, interrogation conducted with the arrested accused, analysis of video graph and photograph taken at the SOC and analysis of whatsapp groups etc., the identity of several of accused are*



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*being ascertained and based on such evidence, so far 53 accused and 03 children in conflict with law have been arrested/apprehended and sent to judicial custody and Juvenile care home respectively. It is further submitted that the process of identification and arrest of the other accused is in progress.*

*13. It is respectfully submitted that the Special Investigation Team [SIT] is conducting a thorough investigation in a systematic and professional manner to ensure that all the perpetrators of crime as well as all the instigators are identified and brought before the justice at the earliest."*

5. A perusal of the above report reveals that investigation is proceeding in the right direction. However, the State has to ensure that parallel investigation in the form of social media investigation in Youtube, Twitter, etc., should be monitored and all efforts should be taken to avert such acts in social media.

6. The Inspector of Police, Crime Branch CID, Tiruvannamalai, filed a status report, dated 29/8/2022. A perusal of the CB-CID status report shows



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that substantial part of the investigation has been conducted in all angle meticulously by the CB-CID. It also discloses the fact that the Expert Committee appointed by this Court namely JIPMER Medical Team also gave its opinion after comparing the earlier two postmortems by stating that there is no inconsistency found in the two postmortem.

7. From the Experts report and also the investigation done in all angles so far, the contentions of the petitioner that the death is due to sexual assault and homicidal violence cannot be countenanced as the reports placed before this Court does not even suggest homicidal violence or any sexual assault. CB-CID also examined the close friends of the deceased and their statements are also recorded under Section 164 Cr.P.C. before the learned jurisdictional Magistrate. Some statements of the witnesses covered in the status report also indicated that the deceased was suffering from depression previously and even she has gone to the extent of cutting her hand with a blade, whenever she was under depression. Further, the status report filed by CB CID reveals that suicide note has been written by the girl. The handwriting in the suicide note tallies with the handwriting of the deceased, as per the opinion of the handwriting experts. Thus, many things have been unearthed during the investigation with

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regard to the death of the girl. Though Mr.R.Sankarasubbu, learned counsel disputed the opinion found in the post mortem certificate, this Court is of the view that mere suspicion, cannot be a ground to disbelieve the expert report. Neither the counsel nor the Court are experts on this aspect and merely because the defacto complainant has raised such suspicion over the issue, one cannot expect that investigation should go on the lines alleged by the petitioner. Therefore, the contention of Mr.R.Sankarasubbu, learned counsel appearing for the petitioner that there is inconsistency in the two postmortem reports as per their expert opinion, has no legs to stand.

**8.** Investigation has to be conducted as per the procedure established by law. Merely because some allegations have been pressed into service at the initial stage, i.e., it is a case of rape and murder, one cannot expect the final report in the line of their allegations. From the status report, this Court is of the view that the investigation is done in all angles and therefore the contention of Mr.R.Sankarasubbu, learned counsel that the investigation is not going in the right direction cannot be countenanced.



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9. Even in our experience we have seen even a defacto complainant would be made an accused after completion of the investigation. Such stage has not reached in this investigation, whereas, the status report also discloses various other circumstances and the same cannot be divulged at present.

10. At this stage, the learned counsel appearing for the petitioner would submit that all the copies of the experts report and status reports of the investigation conducted has to be given to him. Such contention cannot be entertained and it is for the investigating officer to file appropriate report before the concerned Court. It is also to be noted that even as per Sections 301 and 302 of Cr.P.C. a private person cannot conduct prosecution, at the most he can only assist the Public Prosecutor and for certain offences, permission may be granted to a private person by the learned Magistrate to conduct prosecution. Such being the position of law, neither the defacto complainant nor their counsel can assume the role of the prosecutor or investigating agency. Therefore, the contention of Mr.R.Sankarasubbu, learned counsel for the petitioner that all the copies be furnished to him, at this stage, cannot be entertained.



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**11.** Further, as this issue has been sensationalised by social media platforms like You Tube, Twitter, Face Book, etc., which are running parallel amateurish investigation which would be nothing but derailing the investigation being taken up by the law enforcing agency. Merely for the purpose of sensationalising the issue and to provide some additional ammunition to the petitioner, copies as sought for cannot be given. Further, pending investigation, the petitioner would have no right to seek copies of the said documents. Therefore, all the material papers cannot be granted to the petitioner till the final report is filed and thereafter also only on the orders of the concerned Court, as per law, such documents can be given.

**12.** This Court has passed several orders in this issue not to conduct parallel investigation in media, despite the orders of this Court, some electronic and social media are conducting various interviews with persons who have no knowledge about the prosecution and investigation to attract sympathy of the public. Even after the expert report submitted before the lower Court, some Advocates, who have no expertise in this filed, are giving different opinion in the media comparing two postmortem reports. This Court is of the view that such persons who are not experts, being an Advocate shall not conduct parallel



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trail or investigation in the media. Such act itself is against professional ethics and it is also a misconduct and it amounts to advertisement of his profession.

**Therefore, the Bar Council of Tamil Nadu is directed to identify those advocates who conduct parallel investigation in electronic and social media particularly with regard to the death of the school child, pending investigation and take necessary disciplinary proceedings against those advocates.** It is also made clear that this Court will not hesitate to take appropriate action against such advocates for violating the orders of this Court.

**13.** It is to be highlighted that media should show some sense of responsibility while publishing the news, especially with regard to children. As per the psychologists, sensationalizing the news of death and projecting the issue made other four children to travel the same path. Instead of projecting the incident in detail, they can give helpline numbers, which will be very much useful. Media should be vigilant while addressing any messages or images.

**14.** Freedom of speech guaranteed under the Constitution of India, is to be used in the sense that it does not spread falsity amongst the citizens, rather,





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the social media should be conscious of their duty to its citizens and take only genuine news to the doorsteps of the citizens without weaving false stories from out of thin air and such of those media should be dealt with in accordance with law by the investigating agency.

**15.** The Hon'ble Supreme Court in the *Manu Sharma vs. State (NCT of Delhi)* reported in *(2010) 6 SCC 1* has outlined the dangers of a "media trial". It observed that there existed a serious risk of prejudice being caused if the media exercised unrestricted and unregulated freedom in so far as carrying out parallel trial procedures without being held up to any standard. Furthermore, carrying out a relentless scrutiny of any accused without any definitive exposition by a competent court of law goes against the rights of the accused as well. One of the basic tenets of criminal jurisprudence is presumption of innocence ("*ei incumbit probatio qui dicit non qui negat*" - the burden of proof is on the one who declares, not on one who denies), however, with the current state of affairs this no longer seems to be the case.

**16.** The Hon'ble Supreme Court in *A.K. Gopalan v. Noordeen* reported in *1969 (2) SCC 734* held that a publication which is made after the 'arrest' of a

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person amounts to contempt if it is biased to the suspect. Criminal contempt is divided into three types: scandalizing, prejudicing trial and hindering the administration of justice. The principle of natural justice states that “every accused has a right to a fair trial” and the principle “justice may not only be done it must also seem to be done” reflects the need of a fair trial. Contempt was introduced to prevent unjust and unfair trials. Publications of any sorts should not poison the minds of jurors or attempt to intimidate the witnesses in which the administration of justice is impossible, amounts to contempt.

17. The Delhi High Court in *Dr. Shashi Tharoor v. Arnab Goswami and Anr*, reported MANU/DE/4544/2017 has held that it is the function and right of the media to gather and convey information to the public and to comment on the administration of justice, including cases before, during and after trial, without violating the presumption of innocence. In fact, presumption of innocence and a fair trial are at the heart of criminal jurisprudence and in way important facets of a democratic polity that is governed by rule of law. Journalists are free to investigate but they cannot pronounce anyone guilty and/or pre judge the issue and/or prejudice the trial. The grant of the fairest of the opportunity to the accused to prove his innocence is the object of every fair

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trial. Conducting a fair trial is beneficial both to the accused as well as to the society. A conviction resulting from unfair trial is contrary to the concept of justice.

**18.** In matter of *State of Kerala and Anr.v. N.M.Thomas and Ors*, reported in *AIR 1976 SC 490*, the Hon'ble Supreme Court has held that despite of the reasonable restrictions of freedom of speech and expression, one can see the way in which the media abuses this freedom in the name of its own trial to interfere in the administration of justice which is punishable under Section 12 of Contempt of Courts Act, 1971.

**19.** The Hon'ble Supreme Court in *State of Maharashtra Vs. Rajendra Jawanmal Gandhi* reported in *1997 (8) SCC 386* has observed that, “there is procedure established by law governing the conduct of trial of a person accused of an offence. A trial by press, electronic media or public agitation is very antithesis of rule of law. It can well lead to miscarriage of justice.

**20.** Keeping the above judgments in mind and considering the facts and circumstances of this case, this Court records its displeasure over the issue



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being sensationalized and politicized by some electronic and social media.

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**Therefore, this Court, in the interest of justice, directs the Special Investigation Team (SIT) to take appropriate action, as per law, against the youtube channels and persons conducting parallel investigation in some social media and also block such youtube channels which have been created for the purpose of propagating and spinning false theory.**

**21.** On a careful perusal of all the reports, this Court is of the considered view that the efforts taken by the State on the aspect of investigation requires special mention. The State has left no stone unturned in the conduct of investigation and all efforts have been taken to bring to light the happenings, which has led to the sad demise of the deceased. This Court, while appreciating the Investigation Agency of the State, further directs that the investigation team shall ensure to file the final report before the concerned Magistrate at the earliest.

**22.** Post this matter on 27/9/2022.

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**Note: (1) Issue order copy on or before 30.08.2022.**

**(2) Registry is directed to issue a copy of this order to the Bar Council of Tamil Nadu forthwith for taking appropriate action.**



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**N.SATHISH KUMAR,J**

mvs.

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