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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P. (CRL) 898/2020**

DEVANGANA KALITA Petitioner
Through Mr Adit S. Pujari, Advocae with
Ms Kriti Awasthi, Advocate.

versus

DELHI POLICE Respondent
Through Mr Chitanya Gosain, Advocate for
Mr Rahul Mehra, Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.06.2020**

[Hearing held through videoconferencing]

CRL. M.A. 7424/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL. M.A. 7425/2020

3. Allowed, subject to all just exceptions.
4. The application is disposed of.

W.P. (CRL) 898/2020 & CRL. M.A. 7426/2020 (interim directions)

5. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Issue a writ of mandamus directing the Respondent Delhi Police to not leak any allegations pertaining to the Petitioner to the media pending investigation, and thereafter during trial;

(ii) Issue a writ mandamus directing the Respondent Delhi Police to forthwith withdraw all allegations contained in the "Brief Note" dated 02.06.2020."

6. The petitioner is an accused in the following four FIRs:

(i) FIR No. 48/2020 P.S. Jafrabad dated 20.02.2020 in which he is on bail;

(ii) FIR No. 50/2020 P.S. Jafrabad dated 26.02.2020 in which he is in judicial custody;

(iii) FIR No. 59/2020 P.S. Crime Branch dated 06.03.2020 in which he is in Police Custody remand till 08.06.2020;

(iv) FIR No. 250/2020 P.S. Daryaganj in which he was arrested and released on bail on 02.06.2020.

7. The petitioner alleges that the Crime Branch of Delhi Police has been selectively leaking certain information regarding the allegations made against the petitioner and the evidence allegedly collected against her. She states that the information is selective and also misleading. Mr Pujari has referred to a note allegedly circulated by the Crime Branch and contends that the Crime Branch is leaking out such selective information and evidence to persons from the media. He contends that such information relating to allegations and alleged evidence is being given much publicity and likely to prejudice the trial of the persons accused in the FIRs including the petitioner. He also refers to news report circulated in Assam whereby certain selective information against the petitioner has been published. He states that such misleading information is likely to place the petitioner and her family members at risk.

8. Issue notice. Mr Chaitanya Gosain, Advocate accepts notice on behalf

of the Delhi Police.

9. The Concerned DCP of the Crime Branch is directed to file a personal affidavit affirming whether any such information as is mentioned in the present petition has been circulated by the officials of the Crime Branch to third persons, journalists or on social media.

10. Let the counter affidavit along with affidavit of the concerned DCP as directed, be filed within a period of two weeks from today. Rejoinder, if any, be filed within a period of one week thereafter.

11. In the meanwhile, the respondent is restrained from issuing any such statements or circulating information regarding allegations and evidence allegedly collected against the petitioner or other accused, to any person, including to the media or on social media platforms.

12. List on 09.07.2020.

VIBHU BAKHRU, J

JUNE 10, 2020

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