

**In the court of Chief Metropolitan Magistrate
North East, Karkardooma Courts, Delhi.**

**FIR No. 101/2020
PS Khajuri Khas
State Vs. Umar Khalid**

22.01.2021

**In view of the Order No. 170-184/
Judl./N.E./KKD/Delhi/2021 dated 15.01.2021 issued
by Ld. District & Sessions Judge, North East,
Karkardooma Courts, the present matter has been
taken up through physical hearing today.**

**This is an application moved on behalf of
applicant/accused Umar Khalid u/s. 207 Cr.P.C.**

Present: None for State.
None for applicant.

The application has been moved by the applicant/accused for supplying the copy of charge sheet to him. The charge sheet has already been supplied to him.

In the present application, one of the grievance of accused Umar Khalid is that he has been prejudiced by the various reports published in various newspapers and shown on various news channels. It is stated in the application that a supplementary charge sheet qua accused Umar Khalid had been filed by the IO in the court on

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26.12.2020. However, even before the copy of charge sheet was supplied to the accused, it was leaked to the Media. Various print and television media houses had cited purported segments of supplementary charge sheet to convey that accused Umar Khalid had admitted to having conspired to fuel the North-East Delhi riots of February, 2020 and to having involved children and women for organising *Chakka Jams*. All these reports, which were false and malicious have compromised the right of the accused to a fair trial. The accused had never made confession to any police official or any other authority. On 04.10.2020 when the accused was produced before Ld. Duty MM at Tihar Jail Complex for remand to judicial custody after expiry of his police custody, the applicant/accused had categorically stated before Ld. Duty MM that he had neither made nor signed any disclosure statement, confession or any document whatsoever during police custody. However, various media houses have tried to show that accused has confessed about his involvement in the crimes as mentioned hereinabove. Such reports are also in violation of the Fundamental Rights of the applicant/accused under Article 21 of the Constitution to a fair trial. The deliberate and unfair targetting of the applicant/accused by selectively quoting and misquoting

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the parts of the charge sheet is aimed at damaging the reputation of the applicant/accused and destroying the presumption of the innocence of the applicant/accused unless proved guilty. Various photocopies of some news items are also attached along with the application to substantiate the contents of the application.

Ld. Counsel for applicant/accused would argue that the applicant/accused has a right to have a fair trial. However, a great prejudice might be caused to this right of the accused due to the false reports published in the newspaper and shown on News channels. The accused has never made any disclosure statement/confession to the police. However, a public opinion is tried to have been created to the effect that the accused has admitted his involvement in the riots. During the course of arguments, Ld. Counsel has also cited various paragraphs from the following judgments :-

1. **Devangna Kalita Vs. Delhi Police (WP [Crl.] No. 898/2020 dated 27.07.2020).**
2. **Sahil Parvez & Another Vs. Government of NCT of Delhi – (WP [Crl.] No. 1120/2020 dated 07.08.2020).**
3. **Dr. Naresh Kumar Mangla Vs. Smt. Anita Aggarwal & Others – 2020 SCC Online SC 1031.**

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4. **Rajendran Chingaravelu Vs. R.K. Mishra, Additional Commissioner of Income Tax & Others (2010) 1 SCC 457.**
5. **Mr. Nilesh Navlakha & Others Vs. Union of India & Others in PIL (ST) 92252/2020 dated 18.01.2021.**

Ld. Counsel would submit that the applicant has not been praying for any specific relief by making these submissions. However, the Court may pass any appropriate directions to the media so that the right of the accused for a fair trial is not infringed by the media in future.

One reply has been received from the IO. It has been stated in the reply, inter alia, that the chargesheet was not leaked by the police to the media. No press release or media briefing had been done by Delhi Police at the time or after filing of the chargesheet.

Be that as it may, the grievance of the accused is that because of false news his right of fair trial has been

The press and news media is described as the Fourth Estate in a democratic society. It has been regarded as one of the sentinels guarding the existence of the society. The most important role of the media is its ability to mobilize

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the thinking process of a large number of the population. However, there exists a risk of prejudice being caused if the press and media fail to do their duty with care and caution. One of such risk is that of 'Media Trial'. One of the basic principles of criminal jurisprudence is presumption of innocence. Hon'ble Supreme Court of India in *Anukul Chandra Pradhan v. Union of India; (1996) 6 SCC 354* has observed that the presumption is legal in nature. This should not be destroyed at the very threshold through the process of media trial. Protection of such presumption is essential for maintenance of the dignity of the courts and is one of the cardinal principles of the rule of law in a free democratic country.

In the present case, after filing of supplementary charge sheet against applicant/accused Umar Khalid, it is shown to have been reported by the Press and Media that accused Umar Khalid had admitted about his involvement in Delhi riots. The said statement news is shown to have been based on the alleged confessional statement/disclosure statement of applicant/accused. The applicant/accused has denied making of any of such statement. However, be that as it may, a confessional statement made to a police official is not admissible as evidence in law. The news reports have only highlighted

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that accused Umar Khalid had confessed his involvement as above mentioned. However, none of the news item is shown to have made a clarification to its readers/viewers that such a statement, even if actually made, could not be used by the prosecution as evidence. A reporter should have such a basic knowledge of law as readers/viewers consider news item as true without verifying the facts. Further, general public might not be aware of the law as above mentioned. Therefore, it is duty of the Press and Media to inform and educate its readers and viewers about all the relevant facts and circumstances of a news item published or shown on the News channel. In one of the news items, the news starts with words “Radical Islamist and Anti Hindu Delhi Riots accused Umar Khalid....”. The said news item portrays the entire Delhi riots as Anti Hindu Riots. However, in fact this does not appear to be the case, as all the communities have felt the consequences of those riots. Such news item might show to the public at large that accused Umar Khalid had infact confessed/admitted his role in Delhi riots. However, it is the duty of the judicial system to decide a case on merits after trial.

Considering the fact that the applicant/accused has not made any specific prayer in the present application, I

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hope that the reporters would use self regulations techniques while publishing or showing a news item related to a case pending investigation or trial so that no prejudice is caused to any accused or any other party. Self regulation is the best mode of regulation. As held by Hon'ble Supreme Court of India in **Sukhwant Singh Vs. State of Punjab – 2009 (7) SCC 559**, the reputation of a person is his valuable asset and is a facet of his right under Article 21 of the Constitution. Any act of the Media which might deprive the accused of his dignity would have an adverse effect on his rights guaranteed under the Constitution of India. Therefore, any news item should be published after verifying and clarifying all the facts related to the said news item.

The application is disposed of accordingly.

Original application be filed in the court within two days.

Order be uploaded on the server.

Dinesh
Kumar

Digitally signed
by Dinesh
Kumar
Date:
2021.01.22
17:43:12 +0530

(DINESH KUMAR)

CMM/NE/KKD/DELHI/19.01.2021