

Court In Its Own Motion vs State & Ors on 6 February, 2019

Author: Hima Kohli

Bench: Hima Kohli, Anup Jairam Bhambhani

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CONT.CAS.(CRL) 17/2018 & Crl. M.A. No. 2792/2019
COURT IN ITS OWN MOTION Petitioner
Through: Mr. Arvind K. Nigam, Sr. Advocate
(Amicus Curiae) with Dr. Amit George,
Mr. Rajshekhar Rao and
Mr. Anandh Venkataramani, Advocate.
Advocates.

versus

STATE & ORS. Respondents
Through: Mr. Rahul Mehra, SC (Crl.) with
Mr. Chaitanya Gosain, Advocate for State/R-1.
Mr. Mahesh Jethmalani, Sr. Advocate with
Mr. Ravi Sharma, Mr. Mohit Mudgal and
Ms. Madhulika Rai Sharma,
Advocates for R-2.
Mr. Anjani Kumar Singh and Mr. Anit Asthana,
Advocates for R-3.
None for R-4.
Mr. Parag P. Tripathi, Sr. Advocate with
Mr. Tejas Karia, Ms. Mishika Bajpai and
Mr. Dhruv Bhatnagar, Advocate for R-7.
Mr. Deepak Gogia, Advocate for R-8.
Mr. Anshul Tyagi, Mr. Sanjay Kumar,
Mr. Sanjay Kumar and Mr. Abhishek Kumar
Singh, Advocate for R-10
Mr. Amar Gupta, Mr. Divyam Agarwal,
Advocates for R-11.
None for R-13.
Mr. Prasanth V.G., Advocate for R-17.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

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ORDER

% 06.02.2019

1. Reply affidavits have been filed by the respondents No.2 and 3. Though appearance was entered by a counsel for the respondent No.4 on the last date of hearing and he had sought time to file a reply, no reply has been filed so far; nor is the respondent No.4 or his counsel present today. Last

opportunity of four weeks is granted to the respondent No.4 to file a reply.

2. Mr. Nigam, learned Sr. Advocate, appointed as an Amicus Curiae in the matter, confirms having received copies of the affidavits filed by the respondents No.2,3,6 to 10 and 17. He states that if need be, a response shall be filed to the said affidavits.

3. As for the remaining respondents, Mr. Nigam, Sr. Advocate submits that the respondent No.18 may be deleted from the array of respondents. Ordered accordingly.

4. It is further stated that the respondents No.5 to 11 and 14 to 17 were only required to make compliances and the present petition is not directed against them on merits. We shall consider passing appropriate orders for their deletion on the next date.

5. Though the respondent No.13 was duly served as recorded in the order dated 11.12.2018, none had appeared for him on the last date. Same is the position today. Mr. Nigam, Sr. Advocate submits that respondent No.13 is persisting in twittering the offending material and a fresh application (Crl. Misc. A. No.2792/2019) has been filed for issuance of appropriate directions. He states that the respondent No.8 may be directed to take down/block the aforesaid contemptuous contents on twitter.

6. Learned counsel for the respondent No.8 states that the URL accounts of the said tweets, copies whereof have been enclosed with the application, if not furnished, may be furnished to him for his client to do the needful. Said details shall be furnished to the counsel for the respondent No.8 at the earliest for making compliance.

7. A prayer has been made in Crl.M. A. No. 2792/2019 that the proposed respondents No.19 to 23 be impleaded in the petition on the ground that the said persons/entities have been persisting in publishing the contemptuous content despite the order dated 29.10.2018. Learned counsel requests that the amended memo of parties enclosed with the application may also be taken on record and notice be issued to the said respondents.

8. The proposed respondents No.19 to 23 are directed to be impleaded in the present petition. Amended memo of parties is taken on record. Service on the newly impleaded respondents shall be effected through the respondent No.8, by adopting the same procedure as was adopted earlier.

9. List the matter before Joint Registrar (Judicial) on 15.3.2019, for completion of service of the newly impleaded respondents and to await the affidavits of such of the respondents who have not filed their replies so far. However, respondents No.5 to 11 and 14 to 17 need not file any replies on merits.

10. List in Court on 22.4.2019.

HIMA KOHLI, J ANUP JAIRAM BHAMBHANI, J FEBRUARY 06, 2019/Ap/NA