
(2004) 12 JH CK 0024
In the Jharkhand High Court
Case No : Cont. Case (Cr.) No. 2 of 2003

Court in its own motion

APPELLANT

Vs

Satish Kumar and Others

RESPONDENT

Date of Decision : 16-12-2004

Acts Referred:

Citation : (2005) 1 BLJR 515 : (2005) 1 JCR 292

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.; Amareshwar Sahay, J

Bench : Division Bench

Advocate : Anil Kumar Sinha, AG, Dhananjay Kumar Dubey for Amicus Curiae, for the Appellant; Delip Jerath and Sujit Narain Prasad for Opposite Parties Nos. 1-3, 11 and 12, Rajiv Ranjan, Abhay Kumar Mishra and Rajesh Kumar Rai for Opposite Parties Nos. 4 and 9 and M.S. Anwar Afaq Ahmed and Ramit Satender for Opposite Party No. 10, for the Respondent

Judgement

1. The "background of the case" is that one Sheikh Teju, a Joint Commissioner (Commercial Taxes) posted at Dhanbad, filed a writ petition on 10.3.2003, before this Court, which was registered as WP (S) No. 1303 of 2003. In the said writ petition, the writ petitioner had challenged the Notification dated 27.2.2003, issued by the Government of Jharkhand, whereby the writ petitioner was transferred to the post of Member, Commercial Taxes Tribunal, Jharkhand at Ranchi. He had also made a prayer for interim order of stay of the impugned order of his transfer. The said writ petition was listed for admission before the learned Single Judge (Mr. Justice S.J. Mukhopadhaya) one of us on 13.3.2003 and it was likely to be taken up on that very day.

2. When the said matter was taken up for admission by the learned Single Judge on 13.3.2003, an advocate of this Court, Mr. Dhananjay Kumar Dubey, by producing a news paper, namely, "Prabhat Khabar" brought to the notice of the learned Single Judge regarding a news item published in the Hindi daily newspaper dated 12th of March, 2003, namely, "Prabhat Khabar", Ranchi edition, wherein it was reported the Justice S.J. Mukhopadhaya of Jharkhand

High Court has ordered/ directed Sheikh Teju, the Joint Commissioner (Commercial Taxes), Dhanbad to continue on his post. It was also reported that on behalf of the writ petitioner, Mr.A. Allam, Advocate had made his arguments. English translated version of the said news item is reproduced hereinbelow :-

"Order to continue on the post, Ranchi.--Jharkhand High Court had directed Sheikh Teju, the Joint Commissioner of Commercial Taxes, Dhanbad to continue on his post. Justice S.J. Mukhopadhaya has passed the said order. Sheikh Teju has challenged the order of his transfer issued by the Government by filing a writ petition, whereby the petitioner was transferred to Commercial Taxes Appellate Tribunal, Ranchi. On behalf of the petitioner, Advocate A. Allam made his arguments."

3. The writ petition of Sk. Teju was taken up for admission on 13.3.2003 by Mr. Justice S.J. Mukhopadhaya who after hearing the learned counsel for the writ petitioner dismissed the said writ petition by a reasoned order and after noticing the news item published in the said newspaper, namely, "Prabhat Khabar", Ranchi, dated 12.3.2003, considered that the publication of the news item in the said newspaper dated 12.3.2003 even before the case was taken up, prima facie amounted interference with the justice system and it amounted to influence the Court and thereby was of the view that it would be just and proper that a Criminal contempt proceeding against the Reporter, Editor and Publisher of the Prabhat Khabar Edition, Ranchi be initiated and thereby directed the matter to be placed before an appropriate Division Bench for further action. Accordingly, the matter was placed before this Bench and by order dated 8.8.2003, notices were issued to the Editor and Publisher of Prabhat Khabar, Ranchi Edition to show cause as to why proceeding for contempt be not initiated against them.

4. Subsequently, when it was brought to the notice of this Court that similar news items were also published on that day i.e. on 12.3.2003 in other daily Hindi Newspapers published from Ranchi, namely, "Hindustan", "Aaj" and "Ranchi Express", then by subsequent orders dated 19.9.2003, 6.11.2003 and 9.1.2004, the concerned Editors, Publishers and Reporters of the concerned newspapers, namely, "Prabhat Khabar", "Hindustan", "Ranchi Express" and "Aaj" were impleaded as opposite parties in this proceeding and they were directed to file their show cause as to why they be not proceeded for committing contempt of this Court.

5. By order dated 9.1.2004, the opposite parties were re-arranged in the following manner :

- (1) O.P. No. 1, Mr. Baidyanath Mishra, Local Editor, Prabhat Khabar, Ranchi.
- (2) O.P. No. 2, Mr. Kamal Kumar Goyenka, Publisher, Prabhat, Khabar, Ranchi.
- (3) O.P. No. 3, Mr. Satish Kumar, Reporter, Prabhat Khabar, Ranchi.
- (4) O.P. No. 4, Mr. Rakesh Sharma, Publisher, Hindustan, Ranchi.

- (5) O.P. No. 5, Mr. Hari Narayan Singh, Local Editor, Hindustan, Ranchi.
- (6) O.P. No. 6, Mr. Rakesh Doshi, Publisher, Ranchi Express, Ranchi.
- (7) O.P.No. 7, Mr. Balbir Dutt, Chief Editor, Ranchi Express, Ranchi.
- (8) O.P. No. 8, Mr. Amar Kant, Reporter, Aaj, Ranchi.
- (9) O.P. No. 9, Mr. Harendra Tiwary, Reporter, Hindustan, Ranchi.
- (10) O.P. No. 10, Mr. Puran Chand, Reporter, Ranchi Express, Ranchi who has given the news in question.
- (11) O.P. No. 11, M. Sardul Vikram Gupta, Editor, Daily Newspaper "Aaj".
- (12) O.P. No. 12, Mr. Amitabh Chakrabarty, Publisher, Aaj, both (O.P. Nos. 11 and 12) having their office at Aaj Bhawan, Bihar News Paper Private Limited, Plot Nos. 15 and 16, Namkum Industrial Area, Namkum, Ranchi.
13. O.P. No. 13, the State of Jharkhand through the Chief Secretary, Jharkhand, Ranchi.

6. Consequent thereto, the show- causes were filed. In view of the statement made in the show-cause by the opposite Party No. 4 Mr. Rakesh Sharma, Publisher of Hindustan, Ranchi, wherein, he had stated that the Reporters of almost all the newspapers of Ranchi, including the Reporter of newspaper "Hindustan", came to know about the said news from Mr. A. Allam, the counsel who was appearing in the said writ petition on behalf of the writ petitioner Sheikh Teju.

7. Accordingly, by order dated 11.3.2004, Mr. A. Allam was also impleaded as Opposite Party No. 14, in this proceeding and he was also noticed and was directed to file his show cause within three weeks. The opposite party No. 8 Mr. Amar Kant Singh, Reporter was allowed further three weeks" time to file a supplementary affidavit disclosing the name of the person from whom he got the information on the basis of which the news item in question was " published in the Hindi daily "Prabhat Khabar".

8. The Opposite Party No. 1, Baidyanath Mishra, local editor of the newspaper Prabhat Khabar and Opposite Party No. 2, namely, Kamal Kumar Goyanka, Publisher of the said paper, filed their joint show cause stating, therein that on wrong information, they published the said news item and as soon as they came to know on 13.4.2003 about the fact that the Report was wrong, they published corrigendum in their newspaper "Prabhat Khabar" for two consecutive days i.e. on 14.3.2663 and 15.3.2003. They have also tendered unqualified apology for the wrong publication of the news item, which was not intentional.

The Opposite Party No. 3 Satish Kumar reporter of Prabhat Khabar, admitted his mistake in his show cause that he did not verify the news item before reporting the same. He further stated that he came to know about the said news item from one Amar Kant, Reporter of "Aaj" and in good faith he reported the said news

item.

9. Opposite party No. 4 Mr. Rakesh Sharma, Printer and Publisher of Hindi daily newspaper "Hindustan", at the outset tendered unqualified apology for the wrong report but significantly he stated in his show cause that his Staff Reporter Harinder Tiwari came to know about the said news item through Advocate, A. Allam, who had appeared for the writ petitioner and it is he, who gave information to almost all the newspapers and thus believing the statement of Mr. A. Allam, advocate, to be correct, the said news item was published.

Opposite Party No. 5 Mr. Hari Narain Singh, local editor of "Hindustan" stated in his show cause that the news report was shared between the local news Reporters of the other newspapers and thus the mistake so occurred was bona fide and the said news Report was not cross-checked regarding its correctness.

10. Opposite Party No. 6 Rakesh Doshi, Publisher of "Ranchi Express" and Opposite Party No. 7, Balbir Dutt, Editor, "Ranchi Express" filed their joint show cause, admitting their mistake that inadvertently on the basis of the wrong report, the said news item was published in their newspaper.

11. Opposite Party No. 8, Amar Kant Singh, the Reporter of the newspaper "Aaj" in his supplementary show cause has stated that his report was based on the information collected from Mr. A. Allam and other advocates who appeared for the writ petitioner.

12. Opposite Party No. 9, Harendra Tiwari, local correspondent of "Hindustan" has stated in his show cause that he collected the news item in question from Amar Kant Singh, the reporter of the newspaper, "Aaj".

13. Opposite Party No. 14, Mr. A. Allam, Advocate of this Court who was the counsel for the writ petitioner Sheikh Teju, in his show cause has denied the fact that he gave any Report regarding the said news item to any of the Reporter/ Journalist of any of the newspaper.

14. On careful consideration of the show-causes filed on behalf of the opposite parties, the following facts emerge :-

(i) That the news item in question was published on the basis of the Report of Reporter of "Aaj" newspaper, namely, Amar Kant Singh, the Opposite Party No. 8, who shared the news item with other Reporters of the newspaper and this Reporter Amar Kant Singh has stated in his show cause that his report was based on the information collected from Mr. A. Allam, Advocate who appeared for the writ petitioner. From the show cause of the Opposite Party No. 4, Mr. Rakesh Sharma, Publisher of "Hindustan", as it appears that his staff Reporter Harinder Tiwari was informed regarding the said news report by Mr. A. Allam, Advocate who appeared for the writ petitioner.

(ii) Over and above Mr. Amar Kant Singh, the Opposite Party No. 8, Reporter of "Aaj" who was personally present in the Court, on being questioned by this

Court, regarding his source of information and from whom, he came to know about the order passed by this Court, on the basis of which the news item in question was published, he repeatedly stated that it was Mr. A. Allam, Advocate who informed him about the order passed by this Court and, accordingly, it was published in the newspapers.

15. Therefore, from the facts stated above, it is clear that neither the Publisher nor the Editor nor the Reporter of any of the newspapers, namely, "Prabhat Khabar", "Hindustan", "Ranchi Express" and "Aaj" took any care to verify about the correctness and genuineness of the news report published by them in their respective news papers. This show their callous and casual approach in discharge of their duties. Such an approach was against their professional standards because even a slightest enquiry or a simple verification of the said news item, was not made by any of them or on their behalf. In that view of the matter; they cannot escape the responsibility for being careless in publishing the news item without verifying its correctness but since they have expressed their sincere written unconditional apology and they have undertaken that they will be careful in future so that such mistakes do not occur in future, their show causes are accepted with a warning that they should be very careful in future and without verification of its correctness, no news item regarding any order/proceeding of any Court of law shall be published in their news papers.

16. However, the show cause filed by Mr. A. Allam, Advocate, denying to have given any information to any of the correspondent of any News Paper, in which the news item in question was published, is not acceptable, in view of the statements made by almost all the opposite parties in their show causes that it was Mr. A. Allam, Advocate who gave information to Amar Kant Singh (Opposite Party No. 8), the Correspondent of News Paper "Aaj", about the order passed by this Court that the transfer of Sheikh Teju, has been stayed and Amar Kant Singh shared the said news item with the other correspondents.

17. This Court has noticed the conduct of Mr. A. Allam, Advocate, as alleged against him by Mr. Amar Kant Singh, Correspondent of News Paper "Aaj" and Mr. Rakesh Sharma, Opposite Party No. 4, Printer & Publisher of Hindi daily "Hindustan". However, taking into consideration, the apology tendered by him, this Court instead of proceeding further against him and others, this proceeding is dropped with warning to the parties to be careful in future so that such mistake is not repeated in future.

18. Lastly, this Court expresses its sincere thanks and records its appreciation for Mr. Dhananjay Dubey, Advocate who not only brought to the notice of this Court, the news item in question but he also very ably assisted this Court as amicus curiae.

Accordingly, this proceeding is dropped.