
(2013) 03 DEL CK 0166

Delhi High Court

Case No: Writ Petition (C) No. 1492 of 2013

Shilpesh Chaudhary and Another

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision: March 8, 2013

Acts Referred:

- Cinematograph Act, 1952 - Section 5B

Hon'ble Judges: D. Murugesan, C.J; V.K. Jain, J

Bench: Division Bench

Advocate: Jaideep Malik and Mr. Birender Sangwan, for the Appellant; Joginder Sukhija, M.P. Singh, Yogesh Yogi, A. Mustafa for R-1, Mr. Neeraj K. Kaul Mr. Sai Krishna Rajagopal, Sidharth Chopra, Ms. Sneha Jain, Bhuvan Mishra and Mr. Nitesh Daryanani for R-3/Fox Star, for the Respondent

Final Decision: Dismissed

Judgement

D. Murugesan, C.J.

This pro bono publico petition is filed by two Advocates practicing law within the vicinity of Delhi. They have prayed for the following reliefs:

It is, therefore, humbly prayed that your Lordship may kindly be pleased to issue writ of mandamus and/or any other appropriate Writ/Directions/Orders thereby directing Respondent NO. 1 and 2 to quash/withdraw/cancel the certification of public exhibition granted to Respondent No. 3 for films Jolly LL.B.

Any other alternate efficacious further order(s)/relief(s), which this Hon"ble Court may deem fit and proper in view of the present facts and circumstances of the present case, so as to be the same in the interest of justice.

The grievance is made on the following set of facts. M/s. Fox Star Studio India Pvt. Ltd. has produced a film titled "Jolly LL.B.", which is likely to be released for public exhibition in Cinema Halls on 15.3.2013. The said producer is airing promotional

trailer of the said film on various media of viewing such as television, social networking websites, etc. in order to market the said films. The petitioners happened to see the trailer of the movie and noticed a scene with the following dialogues:

Arshad Warshi: alphabet I has been attached to me.

Judge: what was your name?

Arshad Warshi: sir my name is jagdish tyagi and my friends call me jolly by nick name.

Judge: from where you have completed your llb?

Arshad Warshi: i have completed my llb from law college Meerut.

Judge: this is how you file a pil. See you have written apple for appeal and Prostitution for prosecution.

Arshad Warshi: madame this child is very innocent. To keep his heart the doctor called him inside and I must tell you that this child has not touched the patient.

Client: i have made a biggest mistake in my life by keeping you as my duffer lawyer.

Female actress: we all have to struggle in our lives, you are not the only one.

Arshad Warshi: till today you have not allowed me to kiss you.

Female actress: i will not allow you to kiss me this is not your fathers property.

Arshad Warshi: i want to become indias famous lawyer after whom media runs, and when I enter the court room everybody should speak my name.

Booman Irani: there is no case as such, the only case is victimization of my innocent client mr. Rahul Diwan. Background sound: jagdish tyagi @jolly advocate filed a affidavit before the court and Create hue and cry (khalbali)

Other actor: be practical yar

Arshad Warshi: practical went to donkey ass hole I will fight for truth

Booman irani: you are a small fry of two panny what you can do.

Arshad Warshi: i am from meerut if I came to know my level I will convert your ass in gurgaon (gand ka gurgaon bna dunga).

Booman irani: he is nothing, he is no body.

Arshad Warship: in the court room:- i will slap you on the ear then you next seven generation will be born deaf, judge shab give direction him to keep quite or not m saying just do just do just do.

Judge shab: keep silence keep silence keep silence and broke the hammer on the table.

Arshad Warshi: i have heard that law have long hand who say it is gahnta everything is bullshit sala.

2. According to the petitioners, the scene with the above dialogues are not only defamatory, but also amounts to contempt of Court in terms of Section 5B of the Cinematography Act, 1952. As per the provisions of the said Act, visuals or words involving defamation of an individual or a body of individual or contempt of Court are not to be presented. It is their further grievance that a set of guidelines have been framed by Union of India u/s 5B of the said Act explaining the aforesaid objection of not showing defamatory visuals and words amounting to contempt of Court as "scenes that contained to create scorn disgrace or disregard of rules or undermine the dignity of Court will come under the contempt of Court". Contrary to the above provision, the Central Board of Film Certification has certified the film for exhibition. In these circumstances, they have approached this Court for direction to the Union of India as well as Central Board of Film Certification to withdraw/cancel the certification given to the film.

3. We have heard the learned counsel appearing for the petitioners and the learned counsel taking notice for the Respondent No. 3, viz., the Producer of the film. In our opinion, the petition cannot be entertained at this stage for want of full details. The petition is solely on the basis of trailer, which is being exhibited on television and websites containing the scene with the above dialogues mentioned in the earlier portion of the order. There are no details of the circumstances on which the above dialogues have been included in the scene and for that matter in the film. The petitioners' grievance over the scene with the above dialogues appears to be that they obtained LL.B. from Law College, Meerut.

4. A reference is made by an actor acting as an Advocate and the Judge hearing the matter. According to the dialogues, the Judge noticed that in the PIL petition, it was mentioned as "apple" in place of "appeal". Equally, in place of "prosecution", it was mentioned "prostitution". After noticing the same, the Judge asked the individual acting as an Advocate as to from where he has obtained his LL.B. and the reply was that he had obtained LL.B. from Law College, Meerut. In our opinion, this conversion per se does not amount to defamatory or contemptuous affecting public. Maybe, it is a reference to an Advocate who obtained LL.B. from Law College, Meerut. In the affidavit, nothing has been pleaded as to the element of public interest. That apart, the petition is on the basis of trailer and at this stage, it is difficult for us to find out in what context the dialogues were conceived. Hence, we are not inclined to entertain the petition at this stage. Writ petition is dismissed accordingly.