

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13061-13062/2024

(Arising out of impugned interim orders dated 06-06-2024 in WP No. 8071/2024 and 07-06-2024 in WP No. 8071/2024 passed by the High Court Of Judicature At Bombay)

AZHAR BASHA TAMBOLI

Petitioner(s)

VERSUS

RAVI S. GUPTA & ORS.

Respondent(s)

(IA No. 131565/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 131564/2024 - EXEMPTION FROM FILING O.T.

IA No. 131567/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-06-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA
(VACATION BENCH)

For Petitioner(s) Ms. Fauzia Shakil, AOR
Mr. Ujjwal Singh, Adv.

For Respondent(s) Mr. Manish Srivastava, Adv.
Mr. O. P. Gulabani, Adv.
Mr. Vinay Chadda, AOR
Ms. Sonam Sharma, Adv.
Mr. Yash Srivastava, Adv.
Ms. Shiksha Jha, Adv.
Mr. Moksh Arora, Adv.
Mr. Hardik Vashisht, Adv.
Ms. Kamakshi S Rao, Adv.
Ms. Riddhi Jain, Adv.
Ms. Shisba Chawla, Adv.

UPON hearing the counsel the Court made the following

O R D E R

By the order dated 5th June, 2024, a Division Bench of the Bombay High Court on a petition filed by the petitioner praying for a Writ of *Mandamus* revoking the certification granted to the film *Hamare Baarah* by the Central Board of Film Certification¹ and further injuncted from being released in public domain in any manner or form granted an interim order restraining respondent nos.1 to 6 from exhibiting, circulating the said film. The operative part of the said order as contained in para 9 thereof is reproduced hereunder:

“9. In view of the aforesaid circumstances we deem it fit to pass the following order:

“Respondent Nos.1 to 6 are restrained from in any manner exhibiting, circulating or making available for viewership to the general public the film in question, namely “Hamare Baarah” on any public form/platform including the platforms of the Respondent Nos.10 to 12 till 14th June, 2024”.

The High Court further directed the matter to be placed before the regular court on 10th June, 2024 and also granted liberty to the producers as also the petitioner to mention the matter if required during

¹ CBFC

vacation or before the regular court.

Thereafter the matter was taken up on the next day i.e. 6th June, 2024 on mentioning whereby the High Court modified the earlier order of 5th June, 2024 and recalled the injunction on the release of the said film and further allowed the film to be released until further orders of the Court. It also directed the respondent nos.7, 8 and 14 therein to form a panel of three individuals including at least one member from the Muslim community to view the movie in the course of the day and submit its findings on or before 08.00 AM on the next day i.e. 7th June, 2024.

On 7th June, 2024 the matter was again taken up by the High Court and it again passed a detailed order after hearing counsel for the parties. The High Court did not accept the report of the Committee which had sought extension of time to submit its comments till Wednesday June 12, 2024 instead of giving their comments as was required. It however after recording the submissions made by the counsel for the respective parties passed the order as contained in para 16, which is reproduced hereunder:

"16. Considering all the aforesaid circumstances, we deem it fit to pass the following order:

- (a) The Respondent Nos.1 to 6 have agreed to delete these dialogues as stated by Mr.Narichania from

- the film that would be released in all theatres and on all platforms on which it has been released by them. That would be deleted by the end of the day today.
- (b) Since it is submitted by Mr.Narichania that this entire process is likely to take at least six to seven hours, considering the exigencies and the deletion to be carried out pan India we grant them time till the end of the day today to delete all the necessary portions.
- (c) It is hereby clarified that all the shows from tomorrow i.e. on 8th June 2024 shall exhibit the new version of the film after due deletion of portions as stated by Mr.Narichania hereinabove.
- (d) Upon the due deletion of the aforestated portions the Respondent Nos.1 to 6 shall make an application to CBFC Delhi in accordance with the rules.
- (e) CBFC will certify and reissue the certificate. Mr.Sethna submits that though the entire process is online in the peculiar circumstances of this matter as an exception is carved out and the reissuance of the certificate would be done by the end of the day today i.e., 7th June 2024 and certification shall be communicated to Respondent Nos.1

- to 6 forthwith.
- (f) It is clarified that mere non-exhibition of the reissued certificate would not prevent the exhibition of the new version of the film tomorrow, i.e., on 8th June 2024."

The above two orders dated 6th June, 2024 and 7th June, 2024 are under challenge in the present petitions on various grounds.

Learned counsel for the petitioner has assailed the correctness of these orders whereby the interim order dated 5th June, 2024 was vacated and also the constitution of the Committee to be constituted by the CBFC.

We make it clear that we are not entering into the merits of the matter. However, considering the facts and circumstances of the case and in particular the fact that the Writ Petition is still pending before the High Court and the above orders are interim in nature, we dispose of the present petitions with a request to the High Court to decide the pending petition at the earliest and till such time the said petition is disposed of, the screening of the movie in public domain shall remain suspended.

It goes without saying that both the parties will extend full cooperation in the disposal of the main petition and would not seek any adjournments

unless there are compelling reasons for the same.

We further make it clear once again that we have not considered the matter on merits and leave all the questions open before the High Court to be considered on its own merits.

The special leave petitions are disposed of.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILY)
COURT MASTER (NSH)