



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Criminal Misc(Pet.) No. 3015/2022

Arnab Goswami S/o Lt. Mr. Manoranjan Goswami, Aged About 50 Years, R/o B1701/1702, Raheja Atlantis Chs, G.k. Marg, Lower Parel, Mumbai, Maharashtra.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Mr. Pawan Khera S/o Sh. Harbasn Lal Ji, 559 Otc Scheme, Udaipur And Also At D-12 Nizamudin East, New Delhi.

-----Respondents

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For Petitioner(s) : Mr. Mahesh Jethmalani, Sr. Advocate,  
through VC assisted by Mr. Muktesh Maheshwari  
Ms. Vandana Bhansali

For Respondent(s) : Mr. Vikram Rajpurohit, Dy.G.A.

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Order**

**03/03/2025**

**In S.B. Criminal Misc. Stay Petition No. 2680/2022:-**

1. Heard the learned Senior Counsel, Shri Mahesh Jethmalani, assisted by Shri Muktesh Maheshwari and Ms. Vandana Bhansali, appearing for the Petitioner. Also heard the learned Public Prosecutor appearing on behalf of the State.

2. It is noted that although Vakalatnama has been filed on behalf of Respondent No.2 by learned counsels Shri Shivang Soni and Shri Karan Sharma, none have appeared on their behalf at the time of hearing.



3. The learned counsel for petitioner, has contended that the petitioner who is an eminent journalist and Editor-in-Chief of the Republic Media Network, has been falsely implicated in the present FIR No. 276/2022, registered at Police Station Ambamata, Udaipur, under Section 153A, which has been registered in pursuance of the news reporting conducted by Republic Bharat, a Hindi news channel under the Republic Media Network, regarding the demolition of a temple in Rajgarh, Rajasthan. It is specifically averred that the Petitioner is neither involved in the editorial decision-making of Republic Bharat nor has he participated in any capacity in the telecast, debate, or broadcast relating to the said news.

4. Upon perusal of the contents of the FIR, it prima facie appears that the allegations against the Petitioner lack substantive material connecting him to the alleged offences. The FIR does not annex any transcripts, video clippings, or substantial evidence to demonstrate that the Petitioner, in his personal capacity, has made statements or engaged in acts that could invoke the provisions of Section 153A of the IPC. The absence of such material renders the allegations speculative and unsubstantiated.

5. Section 153A of the IPC penalizes acts that promote enmity between different religious, racial, language, or regional groups or castes or communities. For an offence under this provision to be made out, it must be established that the accused has either: By words (spoken or written), signs, or visible representation,



promoted or attempted to promote enmity, hatred, or ill-will between different communities; or

Committed acts prejudicial to the maintenance of harmony, disturbing public tranquility.

A careful reading of the FIR and the submissions made before this Court indicate that the essential ingredients of Section 153A are not satisfied in the present case. The FIR neither specifies the exact statements nor provides any documentary or electronic evidence to show that the Petitioner has engaged in speech or conduct that incites enmity or disharmony. The lack of specificity in the allegations raises serious doubts about the bona fides of the prosecution's case.

6. Moreover, it is well settled in law that the invocation of Section 153A requires a direct and deliberate act of promoting enmity or hatred. For an offence under Section 153A to be constituted, the alleged words or acts must be clearly intentional, targeted, and capable of inciting disorder or violence. Mere reporting of an event of public interest, devoid of inflammatory intent or impact, cannot be construed as an offence under Section 153A.

7. The learned counsel for the Petitioner has contended that the registration of the FIR is a manifest abuse of the legal process, driven by extraneous considerations and political vendetta. The selective initiation of criminal proceedings against the Petitioner while similar reports were aired by various media houses raises a serious question about the impartiality of the investigation and its



underlying motive. It appears that the registration of the FIR is aimed at intimidating and silencing independent journalism, which is a fundamental pillar of democracy.

8. It is further observed that a Co-ordinate Bench of this Court, in S.B. Criminal Misc. Petition No. 3015/2022, vide order dated 20.05.2022 (subsequently modified on 06.12.2022), had considered similar circumstances. Despite considerable time having elapsed, the investigation has not been concluded, further reinforcing the prima facie view that the FIR is being used as an instrument of harassment rather than a legitimate legal proceeding.

9. In light of the above discussions and legal considerations, this Court finds merit in the submissions advanced by the learned Counsel for the Petitioner that:

The allegations in the FIR, even if taken at face value, do not disclose the commission of an offence under Section 153A of the IPC.

The FIR lacks essential particulars such as the exact nature of statements, transcripts, or evidence demonstrating the Petitioner's culpability.

The continued investigation, despite the apparent lack of evidence, suggests an attempt to suppress journalistic freedom and subject the Petitioner to unwarranted legal proceedings.

10. Accordingly, the present Stay Application is allowed. It is directed that till the disposal of the main petition, no coercive



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measures shall be taken against the Petitioner in connection with FIR No. 276/2022 of Police Station Ambamata, Udaipur.

**In S.B. Criminal Misc(Pet.) No. 3015/2022:-**

1. Learned Public Prosecutor is directed to procure the case diary.
2. List the matter after eight weeks.

**(FARJAND ALI),J**

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