

PRESS RELEASE

The NIA Special Court in Hyderabad has issued prohibitory orders against the publishing of details of investigation in Hyderabad twin blasts cases of 21st Feb'2013 conducted against (1) Ahmed Zarar @ Yasin Bhatkal, (2) Asadullah Akthar @ Haddi and their associates of Indian Mujahideen, by the media houses. The court has given directions to print and electronic media not to publish any proceedings of these cases without the prior permission of the Hon'ble court.

In its order, the NIA Spl court observed **".....it is just and necessary to give direction to the print and electronic media not to publish any of the proceedings in this case in RC No.1/2013 and RC 2/2013 of National Investigation Agency, Hyderabad including the publishing and telecasting in any manner touching the documents of on going investigation of this case without prior permission from this court."**

The Hon'ble court has further marked a copy of the order to Press Information Bureau for circulation among print and electronic media.

The order of the NIA Spl Court is attached.

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**IN THE COURT OF THE I ADDL. METROPOLITAN SESSIONS JUDGE,
AT HYDERABAD.**

**PRESENT: Sri G. Lakshmi pathi,
I Additional. Metropolitan Sessions Judge,
Hyderabad.**

Dated this the First day of October, 2013.

Cri.M.P.No.1313/2013

In

R.C.NO.2/2013 OF NATIONAL INVESTIGATING AGENCY

Between:-

**The State represented by National Investigating
Agency, Hyderabad.**

..Petitioner/Complainant

And

**Asadullah Akthar alias Haddi Accused No.2
and another.**

...Respondents/Accused Nos.2 & 5

Petition filed U/s 17 (3) (d) of National Investigation Act, 2008 and section 44 (3)(d) of Unlawful Activities Prevention Act, 1996 as amended up to 2008, praying that for the reasons stated therein, the petitioner who is complainant in the above crime, may be passed restraining orders against the print and electronic media.

This petition is coming on for hearing before me upon perusing the petition and upon hearing the arguments of Senior Public Prosecutor, Advocate for the petitioner/complainant in the petition and of Sri Gurmith singh, advocate on behalf of Sri Muzafarullah Khan, Advocate for the respondents/accused Nos.2 & 5, this Court made the following:-

ORDER

1. This is a petition filed by the Learned Senior Public Prosecutor for the National Investigating Agency, Hyderabad under Section 17(3) (d) of National Investigation Act, 2008 and section 44 (3)(d) of Unlawful Activities Prevention Act, 1996 as amended up to 2008, requesting this court to pass restraining orders against the print and electronic media from publishing and telecasting any proceedings of this case in R.C.No.1/2013 and RC 2/2013, National Investigating Agency, Hyderabad without permission from the Court.

2. Notice given to the learned counsel for the accused nos. 2 and 5.

3. Heard.

4. It is the contention of the learned Senior Public Prosecutor that all the accused

In this case are involved in several ghastly bomb blasts across the country and investigation of those cases are pending in different parts of the country. The accused nos. 2 and 5 were arrested and when they are in judicial custody the investigating agency has taken the accused nos. 2 and 5 in police custody and still they are in police custody. The print and electronic media is publishing the day to day investigation and disclosures said to have been made by the accused and the same is causing damage to the on going investigation of twin blasts cases of Disuknagar, Hyderabad. There is likelihood of causing disappearance of evidence by the absconding accused in order to defeat the purpose of investigation. There is every possibility of danger to the lives of the witnesses in this case from the absconding accused and their associates. Therefore, it is just and necessary to pass restraining orders against the print and electronic media from publishing and telecasting of proceedings of investigation without the permission of this court.

5. The learned counsel for the accused represented that the application filed by the investigating agency may be dealt with in accordance with law.

6. In the circumstances stated in the petition and in the circumstances of this case, as it is the contention of the investigating agency that the print and electronic media are publishing and telecasting the day to day investigation and disclosures made by the accused, there is every possibility of the absconding accused causing disappearance of the evidence in order to defeat the purpose of investigation and there is also likelihood of danger to the lives of the witnesses from the hands of the absconding accused and their associates.

7. Section 17 of National Investigation Agency Act, 2008 reads as follows.

Protection of witnesses. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may, for reasons to be recorded in writing, be held in camera if the Special Court so desires.

(2) On an application made by a witness in any proceedings before it or by the Public Prosecutor in relation to such witness or on its own motion, if the Special Court is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit for keeping the identity and address of such witnesses secret.

(3) In particular, and without prejudice to the generality of the provisions of sub-

section (2), the measures which a Special Court may take under that sub-section may include--

- (a) the holding of the proceedings at a place to be decided by the Special Court;
 - (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public.
 - (c) the issuing of any directions for securing that the identity and address of the witnesses are not disclosed; and
 - (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.
- (4) Any persons who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to one thousand rupees.

8. In this case, there were ghastly twin bomb blasts at Dilsuknagar, Hyderabad in which 18 innocent persons were killed and 133 persons were injured. Since, it is the contention of the investigating agency that if the names of the witnesses and the details of investigation is published there is every possibility that the absconding accused and their associates causing disappearance of the evidence and to cause harm to the witnesses (it is just and necessary to give direction to the print and electronic media not to publish any of the proceedings in this case in RC No.1/2013 and RC 2/2013 of National Investigation Agency, Hyderabad including the publishing and telecasting in any manner touching the documents of on going investigation of this case without prior permission from this court.) Hence, this petition is hereby allowed accordingly. Issue prohibitory orders accordingly to all concern.

Dictated to the Personal Assistant, transcribed by him, corrected and pronounced by me in the open court, this the 1st day of October, 2013.

/ True copy forwarded by order /

Superintendent

ADDL. METROPOLITAN SESSIONS JUDGE,
HYDERABAD.

Copy to:

1) The DIG, National Investigation Agency, Hyderabad.

2) The Defence Counsel.

3) All the concern in Print and Electronic media through Press Information Beauru and Principal Secretary, Information and Public Relations, Central and State

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