

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
Monday, the 10th day of July 2023 / 19th Ashadha, 1945
WP(C) NO. 22328 OF 2023

PETITIONER:

G. VISHAKAN, AGED 48 YEARS, S/O. GOPI, SENIOR REPORTER, "MANGALAM DAILY", "UJJAINI", MANAJINIKKARA, OMALLUR P.O. PATHANAMTHITTA, PIN - 689647.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001,
2. THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, VAZHUTHCAUD, THIRUVANANTHAPURAM- 695014.
3. THE COMMISSIONER OF POLICE, OFFICE OF THE COMMISSIONERATE OF POLICE, KOCHI CITY, ERNAKULAM - 682011.
4. THE ASSISTANT COMMISSIONER OF POLICE, CENTRAL POLICE STATION, ERNAKULAM - 682031.
5. THE SUPERINTENDENT OF POLICE, OFFICE OF THE SUPERINTENDENT OF POLICE, PATHANAMTHITTA - 689645.
6. THE STATION HOUSE OFFICER, ELAMAKKARA POLICE STATION, ELAMAKKARA, ERNAKULAM - 682026.
7. THE STATION HOUSE OFFICER, PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA - 689645.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an Interim Direction to the respondents 4 and 7 to hand over the Mobile Phone bearing SIM No. 8075608214 and 9995423950, covered by Exhibit P-1 (as it is the source of livelihood of the petitioner) to the petitioner forthwith, pending disposal of the Writ Petition, so as to secure the ends of justice.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S B.JAYASURYA and MINI.V.A., Advocates for the petitioner, the court passed the following:

p.t.o

P.V.KUNHIKRISHNAN, J.
=====

WP(C) No. 22328 OF 2023
=====

Dated this the 10th day of July 2023

ORDER

The petitioner is a Journalist. The grievance of the petitioner is that his mobile phone is seized by the police without implicating him in any crime and he is not a witness also in any criminal case. I am of the considered opinion that, the mobile phone of the journalist shall not be seized by the police authorities in violation of the provisions of Code of Criminal Procedure. If the mobile phone is necessary, in connection with a criminal case, there are procedures to be followed before seizing those items. The Journalists are part of fourth state. The Journalist may be getting several information in their mobile phones. But which news is to be telecasted and published is to be decided by Journalist taking into consideration the information received. Telecasting every information even if it is hearsay is not journalism. Simply because, the Journalist has got some information about the crime, the mobile phone cannot be seized, without following the procedure contemplated in Cr.P.C. There is allegation in this case to the effect that the petitioner and even his family members are harassed. That can't be allowed.

WP(C) NO. 22328 OF 2023

2

The 7th respondent will file a statement, the circumstances under which the mobile phone of the petitioner is seized.

Post on 21.07.2023.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

LU



APPENDIX OF WP(C) 22328/2023

Exhibit P1

**TRUE COPY OF THE RECEIPT DATED NIL ISSUED BY THE 7TH
RESPONDENT**

