

ITEM NO.72

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 402/2024

ABHISHEK UPADHYAY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

Date : 04-10-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Anoop Prakash Awasthi, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Anoop Prakash Awasthi, learned counsel appearing for the petitioner.
2. The counsel submits that respondent No. 2 be deleted from the array of parties. Accepting the above submission, the name of respondent No. 2 stands deleted.
3. The petitioner is a journalist and he published an Article identifying people of a particular caste who were deployed in responsible positions in the State (Annexure P/4). Following the said Article, the FIR No. 265 of 2024 (Annexure P/8) came to be registered against the petitioner.
4. The learned counsel for the petitioner would read the contents

of the FIR to say that no offence can be said to be made out by the said FIR. Yet the petitioner is being targeted and since the story was posted on X (earlier Twitter), it might result in multiple other FIRs.

5. In democratic nations, freedom to express one's views are respected. The rights of the journalists are protected under Article 19(1)(a) of the Constitution of India. Merely because writings of a journalist are perceived as criticism of the Government, criminal cases should not be slapped against the writer.

6. Issue notice, returnable in 4 weeks.

7. Dasti notice to the Standing Counsel for the State of Uttar Pradesh, in addition.

8. In the meantime, coercive steps should not be taken against the petitioner in connection with the subject Article (Annexure P/4).

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

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RECORD OF PROCEEDINGSWrit Petition(s)(Criminal) No(s). 402/2024

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1. Heard Mr. Anoop Prakash Awasthi, learned counsel appearing for the petitioner.
2. The counsel submits that respondent No. 2 be deleted from the array of parties. Accepting the above submission, the name of respondent No. 2 stands deleted.
3. The petitioner is a journalist and he published an Article with casteist tilt on the officers deployed in responsible positions in the State (Annexure P/4). Following the said Article, the FIR No. 265 of 2024 (Annexure P/8) came to be registered against the petitioner.
4. The learned counsel for the petitioner would read the contents of the FIR to say that no offence can be said to be made out by the

said FIR. Yet the petitioner is being targeted and since the story was posted on X (earlier Twitter), it might result in multiple other FIRs.

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