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Court pulls up TV journalist

Legal Correspondent

“He interfered with cause of justice”

His consideration was to expose corruption: counsel

What public good was served by sting operation: judges

New Delhi: The Supreme Court on Thursday pulled up Vijay Shekhar, journalist of a television channel for conducting the “cash for warrant” sting operation, in which an Ahmedabad magistrate issued warrants against the then President, the then Chief Justice of India and two others.

Mr. Shekhar paid Rs. 40,000 to three Ahmedabad-based advocates, who, on the basis of a fictitious complaint, obtained bailable arrest warrants against A.P.J. Abdul Kalam, Justice V.N. Khare, the former Supreme Court judge B.P. Singh and senior lawyer R.K. Jain (who died subsequently).

The court already quashed the warrants issued by magistrate M.S. Brahm Bhatt, holding that the complaint was “ex-facie” fraud.

In February, the court issued notice to Mr. Shekhar asking why he should not be prosecuted for conducting the sting operation with a malicious intent to tarnish the image of the lower judiciary.

On Thursday, a Bench, comprising Chief Justice K.G. Balakrishnan and Justices R.V. Raveendran and Dalveer Bhandari, asked Arun Jaitley, counsel for the petitioner: “Can you point out any other instance where it is happening? By giving bribe and getting the warrants through fraudulent means, the petitioner interfered with the cause of justice.”

Mr. Jaitley said: “Though the petitioner offered a bribe, he had not committed any offence as his paramount consideration was to expose corruption in the lower judiciary and it was for a larger public good.”

The Bench retorted: “What public good? The whole world believed the petitioner. We all believed this. We are not doubting his bona fides. But this was not done with a sense of

responsibility. We don't think that such type of journalism should be encouraged. What did he expose? The magistrate [who issued the warrants] is proved not guilty, but he has to suffer for two years as he was suspended from service."

Wrong perception

The Bench said: "The criminal justice delivery system suffered because of the sting operation and brought a bad name to the judiciary. The effect of the operation was that you ridiculed the system as the petitioner's perception of the judiciary is absolutely wrong."

Mr. Jaitley said: "The petitioner's intention was not to scandalise the judiciary. Even if it is one instance, if that helped the judiciary correct itself there is nothing wrong in that. In any sting operation done with a hidden camera, the intention of the bribe giver is only to expose the person who receives the bribe."

Tender apology

The Bench asked the petitioner to file an affidavit expressing unconditional apology and adjourned the proceedings.

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