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A CASE STUDY OF MEDIA TRIAL IN INDIA: WITH SPECIAL REFERENCE TO
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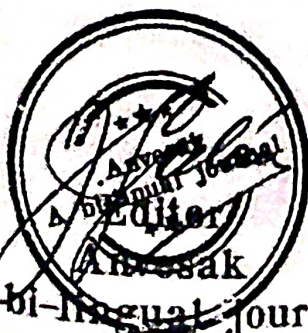
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**A CASE STUDY OF MEDIA TRIAL IN INDIA: WITH SPECIAL REFERENCE TO
AD- JUDICATURE OF SUPREME COURT AND HIGH COURTS**

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"The judiciary mandates social interest and non-interference in various spheres of society. Media intervention is neither desirable nor tolerable".

-M. P. Lohia Vs. State of West Bengal¹ -

This statement is based on the concept of media trial. In this case, the subordinate court refused the anticipatory bail of the accused. In this regard, the judges of the Supreme Court of India expressed that it is not justified to file a special petition against the decision of the subordinate court on the basis of media trial and expect justice.

INTRODUCTION:

The main objective of freedom of media is to inform the people about the happenings in the society through communication, so that public awareness is created among the people. However, the role of the media in reporting the criminal cases, in particular, is often criticized these days. The media sometimes goes out of its jurisdiction and starts interfering in the functioning of the court, then the question arises in the mind whether the media should stop reporting such criminal cases, which directly or indirectly interfere with the powers of the court?

The logic of this important question is that the media has begun to function as a public court. It now conducts parallel trials with the court. It fails to recognize the difference between an accused who is presumed innocent till proven guilty and a convict whose guilt is proved beyond reasonable doubt. Trial by media generally refers to a practice where the media starts its own investigation and creates a public opinion against the accused even before the trial begins. As such, it prejudices the trial thereby infringing the right of the accused to a fair trial.² Thus, an accused that should be presumed innocent until proven guilty is now presumed guilty, thereby violating his rights.

The impact and growth of electronic media in our country over the past ten years has changed the entire perception of reporting and its associated responsibilities. Where on the one hand the media has well expressed the pros and cons of social issues? There are also incidents

¹ A.I.R. 2005 S.C. 790

² Justice M. Jagannadha Rao, Chairman of Law Commission of India, 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973, August 2006, pp. 13.