



Press & Registration Appellate Board

प्रेस और पंजीकरण अपील बोर्ड

सूचना भवन, 8-सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली 110 003 -

Seochna Bhawan, 8-C.G.O. Complex,

Lodhi Road, New Delhi - 110 003 ☎ 24366745-749, Fax 24368723/726

Email : [secy-pci@nic.in](mailto:secy-pci@nic.in); [pcibpp@gmail.com](mailto:pcibpp@gmail.com); Website : [www.presscouncil.nic.in](http://www.presscouncil.nic.in)

Item No. 2

File No.27/52/19-20-PRAB

Appeal of Shri Imran Khalid, Publisher, Gujarat Avlokan, Godhra, Gujarat against the order dated 12/3/2018 passed by the Sub-Divisional Magistrate, Godhra, Distt. Panchmahal, Gujarat.

Coram:

Mr. Justice C.K.Prasad : Hon'ble Chairman

Shri Uttam Chandra Sharma : Hon'ble Member

Appearance

Appellate : Shri Imran Khalid

On behalf of Respondent(s) : Absent

On behalf of RNI : Shri Satish Nambudiripad, Additional  
Press Registrar, RNI

Order

Dated : August 23<sup>rd</sup>, 2019

The Appellant is aggrieved by the Order dated 12<sup>th</sup> of March, 2018 passed by the Sub-Divisional Magistrate, Godhra, whereby he has cancelled the declaration made by the Appellant in exercise of the power under Section 8B of the Press and Registration of Books Act.

Short facts giving rise to the present Appeal are that the Appellant is the publisher of a weekly newspaper Gujarat Avlokan, Godhra. He was served with the Show-cause Notice dated 3.2.2018, to which he replied and ultimately by order dated 12.3.2018, the Sub-Divisional Magistrate has cancelled the


declaration on its findings that the Appellant is "not publishing the newspaper 'Gujarat Avlokan' regularly" in exercise of its power under Section 8B of the Act.

It is the assertion of the Appellant that after the cancellation of the declaration, he filed another application dated 15.4.2018 for authentication of the declaration but the Sub-Divisional Magistrate by order dated 24.10.2018 declined to authenticate the same, *inter alia*, observing that the Appellant can take recourse to the remedy before the Competent Tribunal.

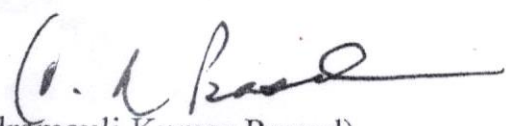
Appellant appears in person and submits that before cancellation of the declaration for purported violation of Section 5(6) of the Act, the Sub-Divisional Magistrate was obliged to record a finding that the Appellant's newspaper had published issues, the number of which is less than half of what should have been published, according to the declaration made under the Act. There is no such finding by the Sub-Divisional Magistrate in this regard. Not only this, the Appellant filed another application for authentication of declaration which ought to have been considered by the Sub-Divisional Magistrate on merit. Instead of doing so, he has relegated the Appellant to the remedy of Appeal before the Competent Authority. The Appellate <sup>te</sup> Tribunal finds substance in the submission of the appellant.

For all these reasons, the order of the Sub-Divisional Magistrate cannot be allowed to stand and is set aside.

In the result, the Appeal is allowed and the impugned Order of the Sub-Divisional Magistrate is set aside.

  
(Uttam Chandra Sharma)  
Member



  
(Chandramauli Kumar Prasad)  
Chairman