



Press & Registration Appellate Board

प्रेस और पंजीकरण अपील बोर्ड

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

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

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

Email : secy-pci@nic.in; pcibppeditorial@gmail.com; Website :

www.presscouncil.nic.in

Item No.5

File No. 27/5/14-15 -PRAB

Appeal of Shri Shashi Krishnakumar Sharma, Editor & Press Reporter, "Dabang Khabaren", Weekly, Thane against Order dated 5.1.2015 passed by Hon'ble Sub-Divisional Magistrate, Thane, Maharashtra.

Coram :

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

Mr. Keshav Dutt Chandola : Hon'ble Member

Appearance:

On behalf of Appellant : Advocate Shri Manu K. Giri appeared for the Appellant.

On behalf of Respondent(s) : None

On behalf of RNI : None

Order

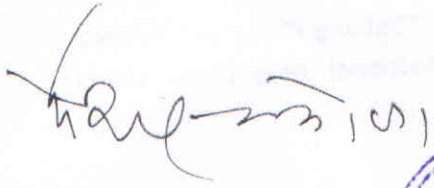
Dated : September 22, 2017

The appellant is aggrieved by the Order dated 05.01.2015 passed by the Sub-Divisional Magistrate, Thane Division, Thane, whereby he has cancelled the registration of the appellant newspaper, Dabang Khabaren purportedly in exercise of the power under Section 8B of the Press and Registration Books Act, 1867 hereinafter referred to as the Act. Despite service of notice, the Sub-Divisional Magistrate has not chosen to appear nor has filed any reply.

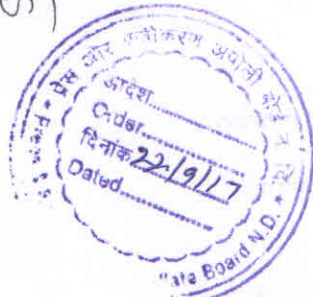
Mr. Manu Kumar Giri, Advocate appears on behalf of the appellant and raises a very short point. He submits that under Section 8B of the Act, the Magistrate has been given power to cancel the Declaration but not the Registration. He points out that the registration of a newspaper is given by the Registrar of Newspapers and hence the Order passed by the Sub-Divisional Magistrate is totally illegal and completely without jurisdiction. The Appellate Board finds substance in this submission. The Appellate Board is of the opinion that the Sub-Divisional Magistrate, while exercising the power under Section 8B of the Act,

cannot direct cancellation of registration of a newspaper. In this way, he has exercised a power, which is not vested in him. On this ground alone, the impugned order is illegal and cannot be allowed to stand.

Accordingly, the Appeal is allowed and the impugned Order dated 5.1.2015 is set aside, with no order as to costs.



(Keshav Dutt Chandola)
Member



(Chandramauli Kumar Prasad)
Chairman