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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMM MISCELLANEOUS PETITION (L) NO.12123 OF 2024

Kasturchand Bokadi (K.C. Bokadia) ...Petitioner

Versus

Central Board of Film Certification ...Respondent

Ashok M. Saraogi with Akash Singh for the Petitioner.

Advait Sethna with Ashutosh Misra and Poushaly Roychowdhury,
Sandeep Raman for the Respondent.

CORAM : R.I. CHAGLA J.
DATE : 23RD JULY, 2024.

ORDER :

1. By the present Petition, the Petitioner has challenged the impugned cuts suggested in the letter issued by the Respondent being letter dated 6th March, 2024 (“impugned letter”).

2. The Petitioner is the producer of the subject film and had submitted the subject film to the Respondent – Central Board of Film Certification for certification. By the letter dated 1st January, 2024, the Petitioner was informed that the certificate cannot be issued for its exhibition for the reasons provided therein.

3. The Petitioner preferred a review of the decision of the Respondent before the Revising Committee and by the impugned letter and the Revising Committee intimated the Petitioner that subject to compliance of suggested cuts, the subject film can be granted 'A' certificate.

4. The Petitioner had initially filed Writ Petition before this Court being Writ Petition (St.) No.12123 of 2024 in which order dated 5th April, 2024 had been passed holding that the Writ Petition is not maintainable and the appropriate remedy is filing the present Commercial Miscellaneous Petition.

5. Accordingly, the present Commercial Miscellaneous Petition has been filed.

6. During the arguments in the present Petition, it was agreed by the parties that they will sit together and sort out their disputes on the suggested cuts. The Petitioner and Respondent have accordingly sorted out their disputes except for the suggested cut in item No.11 of the impugned letter. This has also been recorded by this Court in the prior order dated 29th April, 2024.

7. Accordingly, the Petition is now limited to the suggested

cut in item No.11 and during the arguments, the Petitioner and Respondent have arrived at an agreement with regard to suggested cut in item No.11.

8. In item No.11, the suggested cut is: “suitably modify / delete the dialogue Jai Shri Ram from last scene and add dialogues regarding Triple Talaq”. Guideline 2(xii) under Section 5(b) of the Cinematograph Act, 1952 has been cited for the suggested cut. Guideline 2(xii) reads as under:-

“the visuals or words contemptuous of racial, religious or other groups are not presented”.

9. The agreement arrived at between the Petitioner and Respondent is that though the words “Talaq, Talaq, Talaq” used in the dialogue may be retained, there will be a disclaimer mentioning the decision of the Supreme Court which held that the practice of Talaq is unconstitutional.

10. Further the suggested cut in the said Item No.11 regarding the use of ‘Jai Shri Ram’ in scene 109.13 at the end of the subject film will be given effect to and in place of such use, there will be the use of the words “Mujhe Maaf Kardo Tumhe Tumhare

Bhagwan Ki Kasam Hai”.

11. Accordingly, the Petitioner shall carry out the changes in the aforementioned dialogue of the subject film. Upon the carrying out of these changes to the satisfaction of the Respondent, the subject film ‘Teesri Begum’ is allowed to be released.

12. The Petitioner is at liberty to apply to the Respondent for change of categorization from ‘A’ to ‘U/A’ and which application shall be considered on its own merits and in accordance with law.

13. Accordingly, Commercial Miscellaneous Petition is disposed of. There shall be no order as to costs.

[R.I. CHAGLA J.]