



Cover Story

Two-and-a-half years later, vindication for Mirror

HC quashes Official Secrets Act case over CST armoury exposé

2010 report showed decrepit conditions under which arms were stored at CST armoury

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Over two-and-a-half years after Mumbai Mirror was dragged to court for exposing the decrepit condition in which arms and ammunitions were stored at the CST armoury of the Railway Protection Force, the Bombay High Court on Friday dismissed the case citing the public interest served by the report.

The high court order followed Advocate General Darius Khambata's admission that the case filed against the newspaper's reporter Akela, who has since moved to another publication, and photographer Raju Shinde was "unfortunate" and that it misinterpreted the report's "intention".

The HC verdict has brought an end to Akela and Shinde's ordeal as they did agonising rounds of the courts after being booked under the Officials Secrets Act on the charge that they had compromised national security.

Akela was arrested and put behind bars in a dingy GRP lockup at CST station, while Shinde had cops knocking at his doors at odd hours. And all this for reporting that the state-of-the-art guns and ammunition bought by the railway police after the 26/11 attack were rotting in a damp room that leaked rain water.

The report, published on the front page of this newspaper on June 28, 2010, was accompanied by shocking pictures of AK-47s, SLRs, INSAS assault rifles, carbines and pistols lying piled up on the wet floor. Pictures also showed desperate attempts to prevent leaking water from entering cupboards containing ammunition by placing plastic sheets on them.

The complaint against Akela and Shinde was filed by a south Mumbai resident at the CST Railway Metropolitan Magistrate's court in October 2010, though the Railway Protection Force had not raised any objection to the article.

The complaint claimed that the armoury was a prohibited area and that the Mumbai Mirror report, by giving out its location and details, had put classified information in the public domain which could be used by terrorists and enemy nations.

Though the magistrate specifically observed that he was not empowered to order investigation under the Official Secrets Act, the Government Railway Police added OSA charges while registering the FIR. Mumbai Mirror then moved the high court seeking quashing of the proceedings.

Laughing off the argument that the news report's intention was to help terrorists, Justices Abhay Oka and Ashok Bhangale asked if that was the intent, where was the need to publish the article?

As for the armoury being a prohibited area, the judges had a simple question -- was there a board at the door that declared it so? Lawyers Niranjan Mundargi and Munir Merchant, representing the petitioners, informed the court that there was no such sign outside the armoury.

Advocate General Khambata informed the court that the state would soon file a closure report not only for the charges under the Official Secrets Act but also under the Indian Penal Code (for trespass). While passing its order, the HC observed, "In view of the statement made by the advocate general, it is obvious that the prosecution against the petitioners cannot proceed."

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