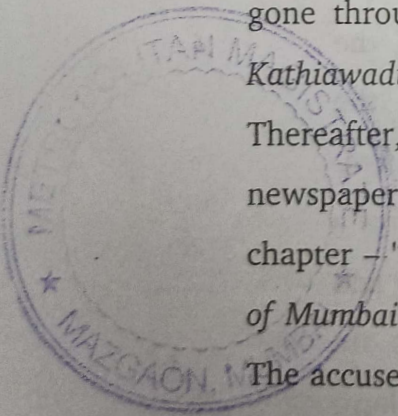


ORDER BELOW EXH.1:

Read verification and statements of witnesses namely Sunil Ray and Laxmi Shirke. Perused complaint and documents on record. The complainant has also relied on the affidavits of ten people. The complainant has also relied upon the book, '*Mafia Queens of Mumbai*' and Pen drive which consists promo of the movie '*Gangubai Kathiawadi*'. He has also annexed affidavit as per section 65(B) of Indian Evidence Act.

2. The complainant has stated that, he is the adopted son of Gangubai Kathiawadi. The complainant has also relied on the photocopies of their family picture, card of Jaldan vidhi and Shoksabha in respect of demise of Gangubai Kathiawadi and ration card. The ration card discloses name of the Gangubai Kathiawadi along with the complainant and other family members. Perused the death certificate of Gangubai Kathiawadi which disclose address of the complainant.

3. The complainant has further stated that, recently he has gone through the video / promo of the upcoming movie '*Gangubai Kathiawadi*' which is based on the life of his deceased mother. Thereafter, he relied upon the articles posted on social media and newspaper, where he came to know that the said movie is based on the chapter – '*The matriarch of Kamathipura*' from the novel '*Mafia Queens of Mumbai*' which was written by the accused no.1 and accused no.2. The accused no.3 and 4 are producing, making, directing and releasing the said movie. Accused no.5 is acting in the said movie and performing role of his deceased mother. The complainant has alleged that, his mother is shown as a prostitute in the said book as well as in the said movie. Further it is shown that she was the brothel keeper and mafia queen. These things are tarnishing the image of his deceased mother as



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well as his family. Accused no.1 and 2 had portrayed his mother as a prostitute, mafia queen, who had been raped for multiple times and the brothel keeper in the red light area of Kamathipura. In the said promo, his deceased mother is shown while smoking bidi.

4. The said novel was already published, however the complainant has claimed no knowledge of the book and same came into light only on the social media, news and transmission of the promo of the upcoming film. In the said novel as well as in the promo they have not only used name of his mother but also used her surname alongwith the residential area i.e. Kamathipura, where his deceased mother was identified and had reputation in the society, before her death. The complainant and other witnesses have claimed, Gangubai Kathiawadi was the social worker and she was having good character. She lived her life with dignity and respect. His mother had always worked for the rights of sex workers and prevention of human trafficking. Her work was admired by the then Prime Minister, Mr. Pandit Jawaharlal Nehru.

5. The complainant has alleged that, after release of the promo people in the vicinity started passing comments on the complainant and his family members as, "*tu randi ka ladaka hain kya, teri ma kothewali thi kya, kya be randi ki aulad, son of lady don*". Now a day, people are asking rates of his daughter and daughter-in-law and demanding sexual pleasure from them. His sisters and daughters are married but after the release of promo matrimonial disputes have started as their mother is shown as the prostitute.

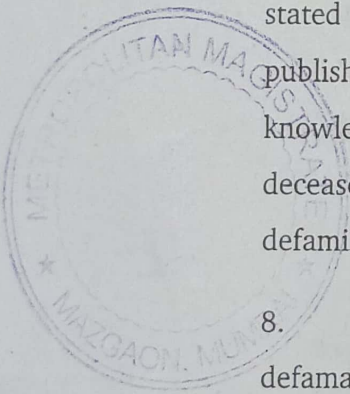
6. On perusal of the novel, it is written in the introduction part that, 'This book is an attempt at accurate and true story telling. It is not a piece of fiction'. The upcoming movie is totally based on the story

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which is written in the novel which belongs to Gangubai Kathiawadi. Even if it is considered that, she was prostitute, that does not mean that anybody has permission or write to show or mention her as a prostitute in public.

7. On perusal of the novel it reveals that, it was written by the accused no.1 and accused no.2. On perusal of promo and the various photocopies of the articles of record it reveals that, the said upcoming movie is directed and produced by accused no.3 and 4. Accused no.3 is a Private Limited company which is making the upcoming movie. Director of the movie is accused no.4. Promo and articles on record prima-facie disclose that accused no.5 is performing the role of Gangubai Kathiawadi. All accused have acted in common intention to portrayed the image of Gangubai Kathiawadi which has affected the reputation of deceased Gangubai in the area where she was living. Now it's effect are seen on the family of complainant. The complainant has stated that, his consent was not obtained by all the accused prior to publishing of the novel and thereafter without his consent and knowledge the promo has been released. To portray the image of deceased Gangubai without consent of family members amount to defaming her image.

8. Release of promo of the film can prima-facie be said *per se* defamatory if considered in the context of the grounds and allegations made in the complaint. Perused promo. The promo thus continues offence giving cause of action to the complaint to claim action under law. The said book was published in the year 2017. Therefore, admittedly this book is old and published earlier, but the cause and effect of the act of defamation has been ensued only after the promo is released/ published for the upcoming film having considered the large



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scale viewer-ship of the TV channel, films, OTT platforms and other social and print media which is causing defamation to complainant's family.

9. The allegations leveled by the complainant apparently disclose the effects of promo on his family and his extended family. He had further relied on the copy of the complaint which he had filed at Nagpada police station, Mumbai on 11.12.2020. Prima-facie it shows that, the complainant and his family are suffering from mental agony due to the novel and promo. It seems that, the complainant has issued notices to all accused, however except accused no.1 other accused have failed to reply it.

10. Section 499, explanation - 1 of Indian Penal Code, applies in the present case. Prima-facie the complaint has made sufficient grounds to proceed further against accused no.1 to 5 for offences punishable under section 500, 501 and 502 r/w 34 of Indian Penal Code, 1860. Hence, issue process against accused no.1 to 5 for offences punishable under section 500, 501 and 502 r/w 34 of Indian Penal Code, 1860.

Shital S. Bangad
15.3.21

(Mrs. Shital S. Bangad)
Metropolitan Magistrate,
69th Court, Mazgaon, Mumbai.

Date: 15/03/2021

TRUE COPY

P. J. J. J.
22/3/21
Judicial Clerk
Metropolitan Magistrate
69th Court, Mazgaon, Mumbai

Application no.: 216/21.
Applied on: 22/03/21.
Ready on: 23/03/21.
Delivered on: 23/03/21.
Charges Paid on: 23/03/21.