

## “Media Trials vs. Criminal Trials: an Indian Approach”

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### 1. Introduction

Throughout the last century, there have been requests, conjectures, and conversations about the connection between crime and the media. Between these vast frameworks there is a trust that can give meaning to this relationship. It is beyond the realm of possibility for either the media or the law enforcement framework to function properly without the other. News sources approach the law enforcement framework with regard to how ubiquitous it is as a source of diversion information and stories. Because it allows the law enforcement framework and all related legal and police forces to contact huge crowds, the media framework is a significant asset. Similarly, the law enforcement framework requires authority derived from the belief that it is authentic to function properly, and media stories can fundamentally influence this cycle.

The overall rating was influenced by the media’s coverage of anarchy and brutality, and thus the law enforcement strategy. A popular opinion largely understands that the media should promote transparency and accountability, as well as work on open information and offer space for public debate. According to previous research, media coverage of issues can actually shape popular evaluations by keeping them relevant. Coverage of criminal activity in the media helps set the framework for law enforcement and strengthens support for victims among the public.

It is commonly seen that the media does not always reflect the whole society, yet it reflects the key social turns of events. Indeed, the interests of business, politics, and showmanship often overshadow the editorial assumptions for reporting in the media industry. A characteristic feature of this pattern is that nearby and public television slots adopt longer and seriously compelling news projects to fill obvious viewer needs and promote techniques that clearly target specific groups of vice-prone segments.

“Media representations of crime and deviance have been a perennial cause of concern and people are still fascinated by crime and deviance despite the fact that they always condemn it. Mass media as a significant force in modern culture play an important

role in the construction of criminality and the criminal justice system. In this article, we will examine the inter-relation between media trial and its impact on criminal trial and will try to examine this relation with neutral perspective to find out that whether this interaction is always disparaging to criminal procedure and criminal trails or can it have a positive impact as well.

### 2. Effects of Media’s Interactions

The adverse affects of media’s intervention can also be witnessed in several landmark judicial precedents including the matters of **R.K Anand v Delhi High Court** where a sting operation conducted by the NDTV news agency was condemned by Supreme Court and penalty was enforced on it [1]. **Nupur Talwar v Central Bureau of Investigation** famously known as Arushi Talwar murder case where, media was disparaged by the court for its involvement and hindrance in police investigation which caused vanish of several primary evidences [2].

Another egregious illustration of how media trials may have an adverse effect on the administration of justice as well as chaos in the lives of those engaged in the case is the recent incident of **Sushant Singh Rajput**. When character assassination of those involved in the case began, things went too far in the media’s analysis of every single person involved in the case. The Press Council of India expressly passed a regulation stating that “*The media is advised to refrain from giving excessive publicity to the victim, witnesses, suspects and accused as it will amount to invasion of their privacy rights*”. Few news organizations had reporters stationed at Riya Chakraborty’s house gate around-the-clock to produce spectacular news for viewers. Mentioned cases are just tip of an iceberg, there are plethora of other cases where the same issues were highlighted [3].

“In sum, there are several potential links between media portrayals of criminal act and criminal behavior that are hypothetically conceivable and commonly suggested in criminological writing and policy debate.”

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### 3. Is media's intervention always bad?

“The media is referred to be the “*fourth pillar*” of democracy since it plays a crucial role in Indian democracy. It raises awareness of the other three pillars, the executive, legislative branch, and the judicial branch. Even better, it keeps the populace up to date on all social, political, and economic developments in our nation.”

The media is required to deliver fair and unbiased news because it has a significant influence on societal opinion and has the power to alter how people view the world and different events. As a result, the media's main responsibility is to merely report every little fact without drawing their own conclusions.

The wealthy and powerful have been involved in a number of high profile cases, such as *Manu Sharma v State of Delhi*<sup>1</sup> famously known as the Jessica Lal Murder Case, a young woman serving drinks in a restaurant, who was shot dead when she refused to treat drinks to the son of a wealthy and powerful politician, where witness tempering highlighted by media became known [4]. “As a result, the Delhi High Court ordered a *Suo moto* reinvestigation of the matter before waiting for the state's appeal against the accused's acquittal. The retrial, which was held mostly” as a result of pressure from the media, resulted in the conviction of those who had previously been found not guilty, and the kidnapping and murder of *Nitish Katara*, a young man who was in love with and dating the daughter of a powerful politician, and who was articulated for quite a fair trial. In *priyadarshini motto case*, where a young law student was murdered after rejecting the advances of the son of a powerful police officer.

In the case of *Kishori Mohan v. State of West Bengal*, it was noted that the media has a positive impact since it enables the general public to speak out against injustice and to keep an eye on all government operations [5]. Although the media has a lot of power to influence people and events, it has begun to abuse that authority. The media is now focusing on celebrity concerns in order to increase its TRP, rather than taking on important topics.

The recent case of *Satyama Dubey v. Union of India*, famously known as Hatreds Gang Rape case, media was praised to brought the issue in limelight as otherwise the high-class accused would just have walked free by using the money and muscle power [6]. Similar observation was also evident in the matter of **Lakhimpuri kheri** loss of life [7].

In these cases, the media played a significant part in guaranteeing that justice was done and ensuring that the relatives of the victims received justice through relentless campaigning for justice, publicizing sloppy investigations, and exposing the connection between defence and prosecution. What might have been a losing battle for the relatives of the victims was turned into a national demand for a fair trial thanks to the media's mobilization of public opinion.

Apart from these criminal cases, media has also taken proactive steps to bring the scandals and scams into limelight and the public became aware about the same. The law enforcement agencies were forced to take actions against politicians and other people involved which they would have easily avoided if the case was not lime lighted. This may include the *Hindu's Bofors expose*, *Tehelka's Defense Deals expose*, *Indian Express's cement scam expose*, *Endian Express's human trafficking expose*, *Open Magazine's Nira Radia tapes*, etc.

These kinds of hard-hitting, pro-active and honest journalistic initiatives are the reason why press and media are called the as the “*fourth pillar of democracy*”.

### 4. Conclusion

Certainly, this article did not only deal with the connection between the media and iniquity, but also explored the debate over interaction of media in criminal as well as non-criminal cases. Similarly, the importance of the media in relation to indecency in our general public was discussed. Furthermore, the media and criminology hypotheses as theorized by eminent scholars in criminology, penology, Victimology, criminal psychology, mass media, and forensic science have been adequately explored.

India is fortunate to have a long history of fiercely independent media. We are aware that the majority of significant frauds are exposed by the media, who are then followed by law enforcement. The highly compensated journalist is credited with finding the information that top vigilance teams in the nation thought was unavailable, yet this is how Sushant Singh Rajput's case made news. We learned Rhea Chakraborty was involved in narcotics trafficking in this way.

Even more, the media has contributed to widespread prejudice toward our current political situation. Now that we are aware of how closely the media scrutinizes the Courts, it is likely that they'll continue to do so indefinitely. The media has had a good effect in that more Indians than ever before are aware of our constitutional rights.

The sub judice rule has caused the media a great deal of resentment, and they allege that courts frequently interpret it when hearing cases. The sub judice rule needs to be liberalized, though, such that it only applies to significant actions that are likely to have an impact on the trial as opposed to any other actions that might even have a distant chance of doing so. The public interest is yet another major barrier to media stings and trials. The media loses its credibility and risks the wrath of the court if there is a lack of public interest and the appearance of either self- or manipulative interests.

Despite the fact that the media has many benefits, its abuse must also be under control. Media outlets should be responsible with the news they present. Before, don't accuse anyone of wrongdoing. The media should be aware of its responsibility to bring up concerns

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that the society is facing. The media can provide individuals who are unable to speak for themselves a voice. Because India has a judiciary that serves this function, the media should refrain from rendering judgement.

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