

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

CrI.MC.No. 5060 of 2015 ()

CRIME NO. 7/2014 OF CYBER CRIME POLICE STATION, PATTOM, TRIVANDRUM

PETITIONER/ACCUSED :

**H.CHIDAMBARAM,
AGED 66 YEARS, S/O.HARIHARAN, T.C.39/1744(7)
IAE JM AVENUE APARTMENTS, GANGA NAGAR 1ST CROSS
MANACAUD P.O., THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

Crl.MC.No. 5060 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE I:** TRUE COPY OF COMPLAINT DATED 5/12/2013 WITH THE DEROGATORY EMAIL MESSAGES BEFORE DIRECTOR GENERAL OF POLICE.
- ANNEXURE II:** TRUE COPY OF COMMUNICATION DATED 1/2/2014 FROM ASSISTANT COMMANDANT TO STATE POLICE CHIEF.
- ANNEXURE III:** TRUE COPY OF COMMUNICATION DATED 19/2/2014 FROM STATE POLICE CHIEF TO STATION HOUSE OFFICER, CYBER POLICE STATION.
- ANNEXURE IV:** TRUE COPY OF FIR DATED 21/2/2014 IN CRIME NO.7/2014 OF CYBER POLICE STATION AGAINST THE PETITIONER.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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Crl.M.C.No. 5060 of 2015

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Dated this the 6th day of August, 2015

O R D E R

It is pointed out that the offence alleged in this Crl.M.C. is under Sec.66A(a&b) of the Information Technology (I.T) Act. The Apex Court in the celebrated case Shreya Singhal v. Union of India reported in 2015 (5) SCC 1 = AIR 2015 SC 1523 = 2015 (2) KLT 1 (SC) has already struck down the provisions contained in Sec.66A of the I.T Act, as those provisions were declared to be unconstitutional, unenforceable and ultra vires. Accordingly, the impugned criminal proceedings in this case are declared to be unenforceable and ultra vires. In terms of this finding, it is ordered in the interest of justice that the impugned criminal proceedings in this Crl.M.C. will stand quashed.

The Crl.M.C. stands finally disposed of as above.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

