

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Crl.MC.No. 6902 of 2015

CC 722/2013 of J.M.F.C., KAYAMKULAM

CRIME NO. 1340/2010 OF KAYAMKULAM POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED :-

**BINU, S/O.BHARATHAN, MINI NIVAS,
EAST OF OODATHIL JUNCTION,
PERINGALA MURI, KAYAMKULAM VILLAGE.**

BY ADV. SRI.BASANT BALAJI

RESPONDENT/COMPLAINANT :-

**STATE OF KERALA, REPRESENTED BY
THE S.I.OF POLICE, KAYAMKULAM,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 036.**

R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 6902 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE -1 : CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.1340/2010
OF KAYAMKULAM POLICE STATION.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.6902 of 2015
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Dated this the 27th day of October, 2015

ORDER

The petitioner herein has been facing prosecution in C.C.No.722 of 2013 of the Judicial First Class Magistrate Court, Kayamkulam under Section 66(A) of the Information Technology Act. He seeks orders quashing the said prosecution on the ground that the said section stands declared unconstitutional by the Honourable Supreme Court. In **Shreya Singhal v. Union of India [2015(2) KLT 1 (SC)]**, the Honourable Supreme Court has strucked on Section 66(A) of the IT Act, and also Section 118(d) of the Kerala Police Act as unconstitutional. In such a situation, the present prosecution under the said Section cannot proceed.

In the result, this petition is allowed. The prosecution against the petitioner in C.C.No.722 of 2013 of the Judicial First Class Magistrate Court, Kayamkulam will stand quashed under Section 482 Cr.P.C.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE