

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 31/2016.

Avinash Bhanudas Nitone

-VERSUS-

1.State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& V.M.DESHPANDE, JJ.**

DATE : FEBRUARY 26, 2016.

Heard Shri V.B. Bhise, learned Counsel
for the petitioner and Shri Maldhure, learned A.P.P. for
respondent no.1.

2. Criminal Application needs to be allowed
in view of the authoritative pronouncement of the
Hon'ble Supreme Court in case of **Shreya Singhal .vrs.**
Union of India (2015(4) Scale 1), by which the
Hon'ble Supreme Court has declared Section 66A of
the Information and Technology Act, 2000 as 'Un-
constitutional'.

3. The present FIR i.e. FIR No. 3062/2014

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registered with Police Station, Mauda, District Nagpur is registered under Sections 66(A) and (B) of the said Act. Yesterday when this matter was called out, learned A.P.P. was specifically asked to take instructions from the Investigating Officer as to under which provisions of the Act the FIR is registered.

4. Today, learned A.P.P. upon instructions submits that the FIR is also registered under Section 66B.

5. After having gone through the contents of the FIR and other documents placed on record, it is clear that the ingredients of Section 66B cannot be made applicable in the present case. Section 66A contains sub-sections [a] and [b], which could have been invoked in the present facts. In that view of the matter, FIR No. 3062/2014 registered with Police Station, Mauda, District Nagpur is quashed and set aside.

6. Criminal Application is accordingly allowed and disposed of. No costs.

JUDGE**JUDGE**

Rgd.