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ORDER SHEET

WPO 1097 of 2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

AKSHYA KUMAR SARANGI
VS.
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE JAY SENGUPTA

Date: 11th March, 2024.

Mr. Srikanta Dutta, Ms. Rituparna Sarkar Dutta, Advocates for the
petitioner.
Mr. Utpal Bose, Sr. Advocate, Mr. Phiroze Edulji, Ms. Soumili
Choudhury, Advocates for Google LLC.
Mr. Amitesh Banerjee, Sr. Standing Counsel, Ms. Ipsita Banerjee,
Adv. for State of West Bengal.

The Court : Affidavit of service filed in Court today is taken on record.

The petitioner is aggrieved by certain objectionable videos uploaded on different URLs by one Prasanta Roy. The address of the said Prasanta Roy, however, was not available. After intervention by this Court, the State took steps to block certain URLs. But, certain more videos would be available on some other URLs. If necessary, the channel on which most of the videos have been uploaded may be blocked.

Learned Counsel appearing on behalf of the State relies on the report filed which is taken on record and submits as follows. All the URLs mentioned by the petitioner on the last occasion have been identified and blocked. A specific case was registered with Haridevpur Police Station Case no.311 dated 8th July, 2023 under Sections 153A, 295A, 504 and 505 of the Indian Penal Code. Thereafter, it was transferred to the Cyber Police Station, Kolkata in compliance of the order dated 20th September, 2023 passed by

this Court. A notice under Section 79(3)(b) of the Information Technology Act, 2000 was also sent to the Google/You Tube authorities. It does not appear that the said Prasanta Roy is uploading such videos any more. However, some others may be responsible for uploading of such videos, which are also being made available on public platform.

Learned Senior Counsel representing the Google LLC. submits that they have, on their part, made every effort to identify the objectionable and obscene videos and all of them have been blocked.

It appears that the State as well as the private respondent have taken steps, pursuant to the orders passed by this Court, to delete the objectionable and obscene videos on web platform.

However, if any other video or the same video on different URLs are found to be there on the web, the petitioner shall be at liberty to bring these to the notice of the State authorities who shall take appropriate measures to have them deleted from the website.

The criminal case already started has to be taken its logical conclusion. Let the investigation be concluded expeditiously and in accordance with law.

With the above observations, the writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as expeditiously as possible.

(JAY SENGUPTA, J.)