

01.10.2021
Ct No. 35
D/L 7
ab

C.R.R. 1913 of 2021
(Via Video Conference)

Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In re : **Amit Malviya,**

... Petitioner

Mr. Ayan Bhattacharya,
Mr. Satadru Lahiri,
Mr. Vikash Singh,
Mr. Rahul Sharma,

... for the petitioner

The F.I.R. lodged against the petitioner, as appearing at page 45 of the revisional application, is quoted below verbatim.

“FIR Contents:

The brief fact of the case is that on 10th June, 2020, one Twitter handler namely Amit Malviya having Twitter ID @amitmalviya has dishonestly and fraudulently downloaded an information of Kolkata Police Department regarding posting of police personnel in different jurisdiction and circulated it in his Twitter handle in a provocative way intending to create unrest/mutiny among different groups of officers and has used electric medium to propagate the same.”

Mr. Ayan Bhattacharya, learned advocate appearing for the petitioner, submits that since the petitioner is a national convenor of the Information and Technology Department of a political party rival to the ruling political party of the State, the present case has been maliciously filed against him. The F.I.R.

has been registered against the petitioner under Sections 153/505(a) of the Indian Penal Code, 1860, and Section 66 read with Section 42 of the Information Technology Act, 2000.

In my, *prima facie*, opinion circulation of the information after downloading the same from the official website of the Kolkata Police Department does not amount to an offence since such information was displayed in public domain by the Police Department itself.

I am of the opinion that the plain reading of the F.I.R. does not disclose any ingredients of offences under Sections 153/505(a) of the Indian Penal Code, 1860, and Section 66 read with Section 42 of the Information Technology Act, 2000.

In that view of the matter, there shall be a stay of all further proceeding in connection with GR(S) Case No. 751/2020, arising out of Cyber Police Station Case No. 44 dated 10.06.2020 under Sections 153/505(a) of the Indian Penal Code, 1860, and Section 66 read with Section 42 of the Information Technology Act, 2000, pending before the learned Chief Metropolitan Magistrate at Kolkata, till four weeks after the Puja vacation.

The petitioner is directed to serve a copy of this application upon the opposite parties within two weeks from date, intimating that this matter will be taken up for hearing two weeks after the Puja vacation under the heading 'For Orders'. The petitioner shall file an affidavit-of-service to that effect on the next date of hearing.

List this matter under the heading “**For Orders**” two weeks after the Puja vacation.

(Kausik Chanda, J.)