

ITEM NO.6

Court 4 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.1377/2021

SAMIULLAH SHABBIR KHAN

Petitioner(s)

VERSUS

SUPERINTENDENT OF POLICE (CYBER CRIME) & ANR.

Respondent(s)

(With appln.(s) for IA No.167668/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 10-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Ms. Shahrukh Alam, Adv.
Ms. Rashmi Singh, Adv.
Mr. Mrinal Sharma, Adv.
Ms. Sumita Hazarika, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Ms Shahrukh Alam, learned counsel appearing on behalf of the petitioner has urged that:

(i) The petitioner had put out a tweet on his twitter account, about the

violence which took place in Tripura and on vandalization of places of religious worship;

- (ii) The Tripura police were tagged with the tweet;
- (iii) On 22 November 2021, a communication (Annexure P-3) was addressed from the office of the Superintendent of Police (Cyber Crime), Tripura Police Crime Branch to Twitter Inc adverting to the registration of an FIR, *inter alia*, under Sections 153A, 153B, 469, 471, 503, 504 and 120B of the Indian Penal Code and Section 13 of the Unlawful Activities Prevention Act;
- (iv) The communication has sought, *inter alia*, (a) removal of the contents; (b) preservation of the contents of the twitter account from 1 October 2021 to 30 April 2022; (c) user registration; (d) browsing log; (e) email addresses; (f) IP addresses; and (g) mobile numbers.

3 On the above premises, it has been submitted that writing about violence, does not attract any of the offences to which a reference is contained in the communication at Annexure P-3.

4 Issue notice.

5 Tag with Writ Petition (Criminal) No 470 of 2021 and Writ Petition (Criminal) No 504 of 2021.

6 Pending further orders, there shall be an ad-interim direction restraining the first respondent from acting on the communication dated 22 November 2021 as against the petitioner to these proceedings.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
COURT MASTER