

Adv R.Mahalakshmi vs Commissioner Of Police on 21 July, 2014

Author: C.T.Selvam

Bench: C.T.Selvam

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON

:

28.02.2014

DELIVERED ON

:

21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.Nos.27389 of 2013, 16652, 16678 of 2014,

Crl.O.P.No.Sr.43843 of 2013 and Contempt Petition No.447 of 2015

Crl.O.P.No.27389 of 2013

ADV R.Mahalakshmi,
D/o.R.Rajagopal

. Petitioner

vs.

1.Commissioner of Police,
Greater Chennai,
Egmore.

2.Inspector of Police,
Cyber Crime,
Greater Chennai,
Egmore.

3.M/s.Google India Pvt. Ltd.,
8th and 9th Floors,
Tower C, Building No.8,
DLF Cyber City,
Gurgaon, India 122 002.

4. Facebook India Pvt. Ltd.,
Building No.20, Raheja Mindspace,
Hi-tech City Main Road,
Vittal Rao Nagar,
Hitech City, Hyderabad,
Telangana 500 081.

5.The Secretary,
Ministry of Communication and Information Technology,
Department of Telecommunication,
Government of India, New Delhi.

6.The Director (DS-II),
Ministry of Communication and Information Technology,
Department of Telecommunications,
Government of India, New Delhi.

7.The Group Co-ordinator (Joint Secretary),
Cyber Law Division,
Department of Information Technology,
Ministry of Communication and Information Technology,
Government of India, Electronic Niketan No.6,
Central Government Offices Complex,
New Delhi 110 003.

(Respondents 3 to 6 are suo motu impleaded
as per order of the Court dated 21.07.2014
and 28.08.2014 in CrI.O.P.No.27389 of 2013
and the seventh respondent is suo motu
impleaded vide order dated 02.03.2015)

.Respondents

Criminal Original Petition/~~filed~~ of the Code of Criminal Procedure praying to di

CrI.O.P.No.16652 of 2014
ADV R.Mahalakshmi,
D/o.R.Rajagopal

. Petitioner

vs.

1.Commissioner of Police,
Greater Chennai,
Egmore.

2.Inspector of Police,
Cyber Crime,
Greater Chennai,
Egmore.

.Respon

Criminal Original Petition/~~filed~~ of the Code of Criminal Procedure praying to tr

CrI.O.P.No.16678 of 2014
ADV R.Mahalakshmi,
D/o.R.Rajagopal

. Petitioner

vs.

1.Commissioner of Police,
Greater Chennai,
Egmore.

2. Inspector of Police,
Cyber Crime,
Greater Chennai,
Egmore.

.Response

Criminal Original Petition/~~filed~~ of the Code of Criminal Procedure praying to tr

Crl.O.P.No.Sr 43843 of 2013
ADV R.Mahalakshmi,
D/o.R.Rajagopal

. Petitioner

vs.

1. Commissioner of Police,
Greater Chennai,
Egmore.

2. Inspector of Police,
Cyber Crime,
Greater Chennai,
Egmore.

.Response

Criminal Original Petition/~~filed~~ of the Code of Criminal Procedure seeking a dir

Contempt Petition No.447 of 2015
ADV R.Mahalakshmi,
D/o.R.Rajagopal

. Petitioner

vs.

1. R.S.Sharma,
The Secretary,
Ministry of Communication and Information Technology,
Department of Telecommunications,
Electronic Niketan,
No.6, Central Government Offices Complex,
New Delhi 110 003.

2. Arya
The Director (DS-II),
Ministry of Communication and Information Technology,
Government of India, Electronic Niketan,
No.6, Central Government Offices Complex,
New Delhi 110 003.

Both represented by ADV.Kanagaraj
Senior Central Government Standing Counsel,
High Court Buildings,
Chennai.

3. Suryakumar
Inspector of Police,
Central Bureau of Investigation,

III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai 600 006.

.Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the res

Appearance:

For Petitioner:

CRL.O.P.Nos.27389 of 2013,
16652, 16678 of 2014, and
Contempt Petition No.447/15

:

Ms.R.Mahalakshmi, Party-in-Person
Crl.O.P.No.Sr.43843 of 2013

:

Mr.R.Sankarasubbu

For Respondents:

State Government

:

Mr.A.L.Somayaji, Advocate General
assisted by Mr.S.Shanmugavelayutham,
Public Prosecutor assisted by
Mr.C.Emalias, Additional Public Prosecutor
Google India Pvt. Ltd.

:

Mr.P.S.Raman, senior counsel for
Mr.G.Balasubramanian
Facebook India Pvt. Ltd.

:

Mr.Sathish Parasaran Madhan Babu
Central Bureau of India

:

Mr.K.Srinivasan,
Special Public Prosecutor (CBI cases)
Mr.G.Rajagopal,
Additional Solicitor General of India
Mr.Su.Srinivasan,
Additional Solicitor General of India
Mr.C.Kanagaraj,
Senior Central Government Standing Counsel

C O M M O N O R D E R

Crl.O.P.No.27389 of 2013 seeks a direction to second respondent to register a case on the complaint dated 07.09.2013.

2. Crl.O.P.Nos.16652 and 16678 of 2014 seek transfer of investigation in Crime Nos.260 of 2013 and 96 of 2014 on the file of Inspector of Police, CCB, Chennai to any other investigating police agency.

3. Crl.O.P.No.Sr 43843 of 2013 seeks a direction to respondents to delete all the post made by the accused against the petitioner in his blog <https://www.facebook.com/savukku>, <https://www.facebook.com/achimuithushankar>, www.savukku.net.

4. Contempt Petition No.447 of 2015 is preferred against the non-compliance of the order of this Court passed in Crl.O.P.No.27389 of 2013 dated 14.11.2014.

5. Petitioner has alleged that one Shankar s/o.Aachimuthu Shankar had created a blog in the name of www.savukku.net as also a facebook account, that such Shankar S/o.Achimuthu is the accused in case pending trial in S.C.No.192 of 2009 on the file of Fast Track Court III, Chennai, he having been charged for offences u/s.5 of the Official Secrets Act, 43 and 66 of the Information Technology Act, 378, 379, 463, 465, 470, 471 and 505 IPC on a complaint lodged by an erstwhile Principal Secretary to Government Home (SC) Department, Secretariat, Chennai 9, that on such website he was publishing articles mocking the judiciary and tarnishing the image of Advocates and bringing into public discussion the personal life of individuals towards blackmailing and extorting money from them. Petitioner alleged that acting at the instance of her sister-in-law and others, the said Shankar and others towards defaming her and her family members had posted much false information on the net and on face book. Informing the same to be grossly abusive and menacing in nature and intended to cause annoyance, inconvenience, obstruction, insult, injury, enmity, hatred by persistent use of computer resources and misuse of photographs of the petitioner and her family members as a result of which petitioner has suffered much damage, a complaint has been lodged by the petitioner with the Commissioner of Police on 31.05.2013. Petitioner informed that though the complaint discloses cognizable offences neither preliminary enquiry was conducted nor was a case registered. She further contended that despite knowledge of the complaint the accused continued their wrongful actions. Petitioner preferred a complaint u/s.200 Cr.P.C. before learned Chief Metropolitan Magistrate, Chennai, praying for a direction to the Inspector of Police, Cyber Crime, Egmore, to register a case against Shankar s/o.Achimuthu and another and her sister-in-law Panimalar u/s.199, 211, 354, 120(b) IPC and Section 66-A of Information Technology Act and Protection of Women against Harassment Act. The learned Magistrate directed registration of a case, investigation thereupon and filing of final report under orders in C.M.P.No.3967 of 2013 dated 05.06.2013. Petitioner further informed that as against the order dated 05.06.2013, a case was registered only on 08.07.2013 but despite the same the said Shankar, Panimalar and others continued their wrongful actions and also threatened the petitioner and her brother and demanded a sum of Rs.50 lakhs towards removal of the earlier posts and for not acting likewise in future. Complaining against non-blocking of the website or removal of the defamatory post and submitting that she and her family members are subjected to much harassment by way of threats, warning of

dire consequences and of demands for huge sums of money, that a further complaint dated 07.09.2013 had met with no response, the petitioner sought a direction towards registration of a case on her complaint dated 07.09.2013. Certain orders came to be passed by this Court and, we would confess, on impression of validity of Section 66-A of the Information Technology Act, the same then being on the statue book. As the same inform the concern of this Court, orders dated 07.01.2014, 30.01.2014 and 28.02.2014 are reproduced hereunder:

7.01.2014 The petitioner herein has raised a very important issue as to the prevention of abuse and misuse of information technology for the purpose of defaming the reputation of an individual by uploading obscene pictures/ photographs.

2. In the present case, it may be stated without any reservation that the materials placed before us shows that a scandalous attempt has been made with intent to cause damage to the reputation of the petitioner and her family members. The petitioner places before this Court a chart, which provides the names of the website created and other particulars showing the manner in which the offensive blogs have been created by using internet.

3. Learned counsel for the petitioner submits that the said particulars are available merely upon entering the website and yet the respondent has not initiated any action on the basis of the complaint given by the petitioner.

4. Learned Additional Public Prosecutor informs that the concerned person against whom complaint was given by the petitioner was examined by the investigating officer and he has denied his involvement in any wrong doing. The Status report filed by the investigating officer inter alia informs of their having requested the assistance of Indian Computer Emergency Response Team for blocking/deletion of contents.

5. Learned member of the bar, Mr. Madan Babu informs that the procedure for blocking of access to any computer service was framed by the Telecom Regulatory Authority of India (TRAI). Provision has been made for blocking from public view such offending materials.

6. Considering the seriousness of the issue, we have requested Shri. B. Kumar, Senior Advocate to assist this Court. We have also expressed the view that it is open to the members of the bar to come forward with their suggestions with regard to the manner in which such objectionable contents can be dealt with. Shri. B.Kumar, learned Senior Counsel also accepted the request to assist this Court by acting as Amicus Curiae.

7. In the meantime, the petitioner is directed to implead TRAI as a party respondent to this Criminal Original Petition. The petitioner is also directed to furnish a copy of the entire record to Shri. B. Kumar, learned Senior Counsel. The respondent, besides

moving the authorities of TRAI towards probing the offence and for redressal in this case may also take effective immediate action against such of the persons who may be involved in such wrong doing. Post the matter on 24.01.2014 at 2.15 pm. The respondent may also ascertain and inform the response of Indian Computer Emergency Response Team to the representation made by the respondent, on such date.

30.01.2014 Taking note of 'Booklet Information' furnished by the petitioner, the submissions of Mr.Sankarasubbu, learned counsel and having no reason to doubt the truthfulness of the contents, this Court directs the respondents to take immediate proper action on the materials available and inform this Court of developments pursuant thereto by 04.00 p.m. on 31.01.2014.

Post on 31.01.2014 at 04.00 p.m. 28.02.2014 Pursuant to dismissal of M.P.No.3 of 2014, the following order stands passed by this Court.

2. As informed in the order of this Court dated 07.01.2014, the petitioner herein has raised a very important issue as to the prevention of abuse and misuse of information technology for the purpose of defaming the reputation of an individual by uploading obscene pictures/photographs. Most demeaning articles tarnishing ones reputation accompany the same.

3. This Court has also observed that given the seriousness of the issue, it would be open to the members of the bar to come forward with their suggestions with regard to the manner in which such objectionable contents can be dealt with. Similarly, considering the seriousness involved, this Court has requested Shri.B.Kumar, learned senior counsel, to assist this Court. He has made very detailed submissions. The same as also other facets of the case will be discussed in detail in the final order to be passed. The material placed by the petitioner absolutely makes clear that the person/persons, behind the offending material placed on the net, have done her immeasurable harm. Placed before us also is a volume informing the posts in the website "savukku" informing various transgressions into privacy, tarnishing of reputations and damage caused to several persons. Five advocates, offended by posts in the website, have filed affidavits before this Court. This Court notes that the reputation and status of not less than half a dozen Judges, very many advocates, very many IAS and IPS officers stands attacked and damaged at the hands of this vituperative site. All this is done without so much as having the courage to inform who is behind the offending website. Website service providers and all other persons providing internet service necessarily would require the persons in charge of websites to inform true particulars regards their names and addresses. Clearly in this case, the names and addresses stand wrongly informed. The contents of the posts in the website are so grossly demeaning, so obnoxious and so harmful as are not worthy of being brought in print in an order of this Court. If sites such as these are allowed to be operated, the damage to society at large can hardly be imagined. To be wed

couples would turn their backs on each other. Many a husband and wife would part ways, many a child would be left clinging in anguish to the hands of one parent instead of gleefully holding the hands of both. We can go on and on. Suffice it to state that by way of interim order, this Court directs the Group Co-ordinator (Joint Secretary), Cyber Law Division, Department of Information Technology, Ministry of Communication and Information Technology, Govt. of India, Electronic Niketan No.6 Central Govt. Offices Complex, New Delhi 110 003, to block the entire website (www.savukku.net) with immediate effect upon receipt of this order.

4. Taking note of the serious concern expressed by learned Advocate General of the State and having due regard to his submissions and the information furnished by him, this Court has passed the above order. Learned Advocate General has informed that Special Teams stand formed, the location of the accused stands fixed and the investigation in the case will be actively and duly proceeded with.

5. This Court would reserve orders in the matter and close for now by merely stating that each and every instance of objectionable and vituperative malignant post in the website would give cause for separate cases and actions thereupon. Pending further orders, it would always be open to the petitioner or the State to seek that the matter be posted under the head "for being mentioned" as and when occasion requires.

Registry is directed to communicate this order to the Group Co-ordinator (Joint Secretary), Cyber Law Division, Department of Information Technology, Ministry of Communication and Information Technology, Govt. of India, Electronic Niketan No.6 Central Govt. Offices Complex, New Delhi 110 003, through fax.

6. This Court may add that M.P.No.3 of 2014 dismissal whereof is mentioned in the order dated 28.02.2014 was an attempt to avoid this Court on the plea that certain undesirable statements against the Hon'ble Mr.Justice C.T.Selvam were placed on the website viz. www.savvukku.net by some unknown persons and that such statements would be likely to influence the mind of the Judge while deciding the above Criminal OP, it would be in the interest of justice that the above Criminal OP be heard by some other Hon'ble Judge.

7. Being unimpressed by the submission of Shri.N.Radhakrishnan, learned counsel for the petitioner in M.P.No.3 of 2014, this Court had dismissed the same. Finding lukewarm the response of various authorities in complying with the orders of this Court directing blocking of the offending sites, several orders came to be passed on different dates. This Court would readily admit that such orders were passed on the understanding that Section 66-A of the Information Technology Act was good in law. The Apex Court having informed otherwise, this Court would not dwell upon such orders and for the same reason, this Court would not discuss the various submissions made before us by Shri.B.Kumar, learned senior counsel, though under order dated 28.02.2014, this Court has informed that this Court would do so in the final order. This Court merely places on record its appreciation for the painstaking and detailed submissions made by him on what has transformed from the plea of an individual into a public cause.

8. Two cases have been registered on the complaints of the petitioner viz., (i) Crime No.260 of 2013 for offences u/s.199, 211 IPC, 66-A of Information Technology Act and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and (ii) Crime No.96 of 2014 for offences u/s.384, 506(i), 120(B), 66-A of Information Technology Act and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, re-numbered as Crime Nos.RC.10/(S)/2014/CBI/SCB/Chennai and RC.11/(S)/2014/CBI/SCB/ Chennai. This Court found reason to be dissatisfied with the investigation not merely at one instance but on two. The cases which were originally investigated by Inspector of Police, Cyber Crime, Greater Chennai, Egmore, were transferred to Additional Commissioner, Cyber Crime and thereafter, investigation was handed over to the Central Bureau of Investigation. In the interregnum and under orders in Crl.O.P.No.2494 of 2014 dated 18.02.2014, Shankar s/o.Aachimuthu was granted relief u/s.438 Cr.P.C. in respect of Crime No.260 of 2013. As regards Crime No.96 of 2014, the said Shankar s/o.Aachimuthu was granted interim anticipatory bail under orders in Crl.O.P.No.4379 of 2014 and the same was cancelled under order dated 02.09.2014. The investigating agency through out and even after cancellation of the order of the anticipatory bail, has not found it necessary to cause the arrest of Shankar S/o.Aachimuthu. Be that as it may, investigation in Crime No.260 of 2013 has been completed and a final report has been filed before learned Additional Chief Metropolitan Magistrate on 30.12.2015 informing commission of offences u/s.509 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. The case in Crime No.96 of 2014 has resulted in filing of a final report on 08.06.2016.

9. Though it is the contention of petitioner that the cases stand not properly investigated and that other offences which are made out stand not included, this Court would close the present petitions with the observation that it would be open to the petitioner to move the Courts below by way of protest petitions/private complaints within one month of receipt of this order, if such a course is considered appropriate.

10. Accordingly, Criminal Original Petition Nos.27389 of 2013, 16652, 16678 of 2014, Crl.O.P.No.Sr.43843 of 2013 and Contempt Petition No.447 of 2015 are closed.

11. Unfortunately, the issue would not rest there.

12. This matter has first engaged our attention on 07.01.2014. As earlier stated, every order of this Court has been met with scandalous and slanderous posts on the sites operated by the offender. Unfortunately, the offender did not, and persons of his ilk will not, realize that a Court cannot be scared away, that in the face of insults and ignominies being thrown at it, the response of the Court would be to hold steadfast and that eventually 'the long arm of the law' would reach him. Against the escapism indulged by the offender in informing that he was not responsible, investigation has revealed that he indeed is so. Final reports now having been filed in both cases investigated by the Central Bureau of India, this Court now considers it appropriate to dispose of the matters.

13. This Court already has noted that this Court found need to transfer the investigation on two occasions and that the investigating agency never found the need to arrest Shankar S/o.Aachimuthu, who beyond any doubt has rendered himself liable for action in contempt of Court. Before informing why this Court is of such view, this Court is constrained to observe that in the sites

posted by this individual, so much offensive, vituperative and abusive material is displayed against officers of almost every rank. Would it be possible without 'insider participation' ? Are sites such as these used to settle scores ? Just almost anything can be said about almost anybody with total disregard for the truth and without having to prove or produce anything in support of the wild allegations. All that these sites need to survive and do is to appeal to the baser sentiments of those who find matters abusive, defamatory, derogative and to the detriment of the next man or woman, titillating. In the instant case, the offender, having had no courage to disclose his identity, has sought to make a hero of himself stating that it was necessary not to disclose his identity as otherwise he would be put to death. Here again, he angles for hero worship of the misled.

14. On 30.06.2014, this Court passed the following order:

Today the matter is listed under the caption for being spoken to .

2. Learned counsel for petitioner has informed this Court that the website material is now available on the web under a different heading 'www.newsavukku.com/lang/tamil'. The status report filed by the Additional Commissioner of Police also informs such position. The status report is also suggestive that the Director (DS-II), Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi and Group Co-ordinator and Director General (CERT), Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi, are not addressing the issue with the seriousness it calls for. This Court learns that an organisation functioning under the name 'National Cyber Safety and Security Standards' having as its Chair Person, a person of such eminence as Justice Mr.S.Mohan, Former Judge, Supreme Court of India, is well-equipped to make a detailed study and inform a more detailed position, as also suggests measures towards alleviating this nefarious practice of posting offending defamatory matter on websites under cloaks of secrecy. Therefore, this Court by way of further interim order, orders as follows:

(1)there shall be an interim stay of investigation pending further orders in the case;
(2)despite the order of stay, the Additional Commissioner of Police, shall be upon duty to carry out the functions designated to him towards ensuring compliance with the orders of this Court dated 30.04.2014. It would be open to the National Cyber Safety and Security Standards also to address all concerned authorities in the Central Ministry viz., Director (DS-II), Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi and Group Co-ordinator and Director General (CERT), Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi and the Secretary, Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi, towards the purpose of blocking of materials appearing on any website answering to the name 'www.savukku.net' or 'www.newsavukku.com/lang/tamil' or any direct or

intermediary link connecting to any website wherein the word 'savukku' figures. (3)A team headed by Mr.Khalie Raaj, Regional Head, Government and Industrial Initiatives, shall cause a detailed enquiry into the posting, conduct, setup, installation and all related information as they may access pertaining to 'www.savukku.net' or 'www.newsavukku.com/lang/tamil' or any direct or intermediary link connecting to any website wherein the word 'savukku' figures. The team shall be authorised and empowered to take all action as may be necessary to stop the appearance of any material on any website under the name 'www.savukku.net' or 'www.newsavukku.com/ lang/tamil' or any direct or intermediary link connecting to any website wherein the word 'savukku' figures. Such authority shall stand extended also to act in respect of other social networking sites such as facebook, twitter, etc. Post on 21.07.2014 for report of National Cyber Safety and Security Standards.

15. A team of the National Cyber Safety and Security Standards took all out efforts to effect compliance of the orders of this Court in letter and spirit and met with much success. This Court would acknowledge their service which made true the adage 'Where there is a will there is a way'. The National Cyber Safety and Security Standards has filed a report before this Court and therein informed that they had done extensive study on the setup and domain registration process in internet and the accessibility of data in social media. They submitted as follows:

1. There are no particular standards for domain registration and since it is internationally connected, we have to discuss this issue in the international forum and have to make the UN Council to execute the new policy on domain registrations.
2. The only way to get the details of website is by approaching the Domain Registrant.
3. If domain ID booked in person and paid by cash then there is 100% possibility of giving false information about the ownership and retrieving the owner information is not possible but if they book the domain by giving false owner information and paid by Debit/Credit card then it is 100% possible to retrieve the ownership details by seeking the bank account details from domain registrant.
4. Social Media has become the Danger to our Nation. Terrorist are using the Social Media effectively for their activities starting from recruitment to execution. Social Media has to be viewed very seriously.
5. We come to know that to block any website in India it is taking more than 10 days and which has to come down to 1 day to reduce the damage.
6. The ISP's are facing technical difficulties to block certain websites.
7. In social media the Cyber Criminals mainly targetting women, children.

8.All Big Internet Search Engines, Social Media Companies are registered and having their Head Quarters in United States and they are not bound by our Indian laws.

9.In recent days some Apps has been developed and being used by our Indian public which has High Security threat to the Nation. Some of them as follows:

9.1. Whatsup 9.2. Viber 9.3. True Caller 9.4. Fake Call 9.5. Hike Messenger All these apps gives alternative to regular method of calling and messaging. The data stores in private environment and government has no control over these companies. It is easy to organize any event which creates more disaster to our Nation.

10.To spoil our culture and tradition the cyber criminals have started more than 3 million pornography websites which are making our young society to fallen in wrong direction. This may lead to unacceptable things like Rape and Sexual Harassment, etc.

16. The National Cyber Safety and Security Standards also made suggestions as follows:

1.It is necessary to form a Cyber Monitoring Committee (CMC) Roles and Responsibilities of CMC as follows:

To continuously monitor the Internet data flow and activities To establish the possible ways of curbing the cyber crimes To create awareness to the public regarding the Cyber Crimes and its Seriousness To safeguard the women and children from Cyber Threats To help Law Enforcement Agencies to effectively identify the criminals as early as possible. To suggest the State and Central Government on police decisions.

To identify the wrong doing websites and to block them.

2.All search engine and social media companies must have their Nodal officer in India for effective communication which can help us to monitor and control the Cyber Crimes.

3.It is necessary to provide the advance training on Cyber Threats and Crimes to Law Enforcement Agencies on regular basis.

4.On basis of Honourable Committee formed as per the order of Honourable High Court of Madras, we have formed the Special Technical Team which will identify and provide the solutions to technical difficulties which government is facing to block and control the Cyber Threats.

5.The National Cyber Safety and Security Standards is Establishing 100 research centre's across India National Cyber Defence Research Centre and the

establishment manual will be submitted to the Honourable High Court of Madras as early as possible.

17. As stated earlier, very many Judges including a former Chief Justice of the Country have been abused, referred to derisively and allegations against them of corruption and other malpractices have been thrown like straws in the wind. The same are unworthy of and this Court is of the view that it would be unbecoming to reproduce them in the present order of this Court. For purposes of Court, the same are included by way of an annexure running into 205 pages. Every action of this Court towards curtailing the menace has been met with, rebuke, offensive posturing and challenges thrown at it. Adding insult to injury, the offender has opened sites in the name of a Judge of this Court. The offender repeatedly has and continuously is in contempt of this Court. At this juncture, though lengthy, it would be useful to reproduce the following from the 'self contained note' submitted by the Deputy Inspector General of Police, Head of Branch, CBI/SCB/Chennai:

Investigation conducted by CBI, SCB, Chennai on the allegations in the complaint of Advocate Mahalakshmi revealed as follows:

Investigation revealed that after the arrest and release on bail in CBCID case and also suspension from Directorate of Vigilance & Anti Corruption, Shri Shankar created a website in the name of www.savukku.net with the help of Shri Murugaiyan of Pondicherry, by making payment to the website registrar Google*Enom on 24.11.2009. Shri Shankar used to write articles regarding corruption activities in Tamil Nadu Politics and also among Governments Officials. He gave link of the website www.savukku.net to his Facebook account. Shri Shankar published the following articles relevant to the present case in the website www.savukku.net.

1.SoodhuKavvum published in www.savukku.net Date of Publication:23.05.2013 @ 11.14 hrs Thursday Comments on 23.05.2013 @ 12.22 hrs Thursday

2.Paul KanagarajThalaimayilValakarignargalAdavadi published in www.savukku.net Date of Publication:23.05.2013 @ 20.02 hrs Thursday Comments on 23.05.2013 @ 20.13 hrs Thursday

3.Irandu Per EzhuKaadhal published in www.savukku.net Date of Publication:30.05.2013 @ 00.34 hrs Tuesday Comments on 30.05.2013 @ 10.28 hrs

4.Savukku Thalam Meethu Sun TV Mahalakshmi Kaaval Thurayil Pugaar published in www.savukku.net Date of Publication:31.05.2013 @ 14.58 hrs Comments on 31.05.2013 @ 15.38 hrs It is revealed that the contents of the articles Soodhu Kavvum , Paul Kanakaraj Thalaimayil Vazhakarignargal Adaavadi , Irandu Per EzhuKaadhal and Savukku Thalammeedhu SUN TV Mahalakshmi Kaaval Thuraiyil Pugar and the comments of the viewers of these articles were against Advocate Mahalakshmi, her mother Smt. Jhansi Rani, her brother ShriSatish Narayanan and her colleagues of SUN TV Network. The contents were also found

against the Advocates S/ShriPaul Kanagaraj, Ruben and Krishna Kumar.Smt. Mahalakshmi alleged that the contents of these articles and the comments of the viewers were defamatory in nature.

Investigation conducted on the role of website www.savukku.net revealed that as per the registration details of www.savukku.net, the website was created on 24.11.2009 through the registrar Google*Enom in the registrant name of Kesava Perumal, Mount Road, Green Ville vide E-mail id newsavukku@gmail.com with Phone No.97920 94271. It is revealed from the Statement of Account of Citi Bank Credit Card No.4386280246833002 in the name of Shri Achimuthu Shankar that he made the payment of US \$10.00 (INR483.23) to Google*Enom on 24.11.2009 for the creation of web site www.savukku.net. It is also revealed that Shri Achimuthu Shankar has renewed this website www.savukku.net annually by making payment to Google*Enom from Citi Bank Credit Card Nos. 4386280246833002 & 4386280009923974. It is revealed from the Statements of Account of Citi Bank Credit Card No. 4386280246833002 that Shri Achimuthu Shankar made payment of \$10.00 (INR 474.42) on 25.11.2010 and \$10 (INR 515.52) on 25.10.2011 to Google*Enom for the renewal of www.savukku.net. It is also revealed from the Statement of Account of Citi Bank Credit Card No.4386280009923974 that Shri Achimuthu Shankar made payment of \$10.00 (INR 557.11) on 26.10.2012. Hence, investigation revealed from the above Statement of Accounts of the Credit Cards in the name of Shri Achimuthu Shankar that he paid \$10.00 to Google*Enom on 24.11.2009 for registration of www.savukku.net and further renewal of the same website on 25.11.2010, 25.10.2011 & 26.10.2012.

The registration details of the website www.savukku.net taken from Whois.net by National Cyber Safety and Security Standards, Chennai are as follows:

Domain Name : savukku.net Date Updated Date : 14.11.2014 To7:49:13.00Z Creation Date : 24.11.2009 To8:26:21.00Z Registrar Registration Expiration Date : 24.11.2015 To8:26:21.00Z Registrar details Registrar : ENOM INC.

Registrar IANA ID : 48 Registrar Abuse Contact Email : abuse@enom.com Registrar Abuse Contact Phone : +1.4252982646 Registrant details Registrant Name : KESAVA PERUMAL Registrant Organization :

Registrant Street : 1421 ROPER MOUNTAINROAD Registrant City : GREENVILLE Registrant State/Province : SC Registrant Postal Code : 29615 Registrant Country : IN Registrant Phone : +91.9792094271 Registrant Phone Ext :

Registrant Fax :

Registrant Fax Ext :

Registrant Email NEWSAVUKKU@GMAIL.COM

Admin details

Admin Name : GOOGLE TEAM

Admin Organization : GOOGLE INC.
Admin Street : 1600, AMPHITHEATRE PARKWAY
Admin City : MOUNTAIN VIEW
Admin State / Province : CA
Admin Postal Code : 94043
Admin Country : US
Admin Phone : +1.6501234567
Admin Phone Ext :
Admin Fax :
Admin Fax Ext :
Admin Email :
GOOGLECLIENTS@ENOM.COM

Investigation revealed that on 07.01.2014, the Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed orders in Crl.O.P.No.27389/2013 filed by Advocate Mahalakshmi to block/delete the objectionable contents/defamatory articles available in www.savukku.net and instructed TRAI to probe into the matter and also appointed Shri B.Kumar, Senior Advocate to assist the Court in this regard. Hence, Shri Achimuthu Shankar created other website in the name of www.savukku.in through the website registrar Godaddy.com. It is revealed from the Statement of Account of Citi Bank Credit Card No. 4386280017803739 that Shri Achimuthu Shankar made payment of INR 798.99 to DNH*Godaddy.Com on 08.01.2014 through his Credit Card No. 4386280017803739. The registration details of the website www.savukku.in taken from Whois.net by National Cyber Safety and Security Standards, Chennai areas follows:- Domain Name : savukku.in Domain ID : D8025319-AFIN Date Creation Date : 07.01.2014 10:22:41 UTC Updated Date : 14.07.2014 18:20:13 UTC Expiration Date : 17.01.2017 10:22:41 UTC Registrar details Registrar : Gandi SAS Registrar IANA ID : R 91 AFIN Registrant details Registrant ID : CS9201-GANDI Registrant Name : CYRIL THAMARAI SELVAM Registrant Organization :

Registrant Street 1 : Madras High Court Registrant Street 2 : N.S.C. Bose Road
Registrant Street 3 : Parrys, George Town Registrant City : Chennai Registrant State/Province :

Registrant Postal Code : 600001 Registrant Country : IN Registrant Phone : +91.9444352479 Registrant Phone Ext :

Registrant Fax :

Registrant Fax Ext :

Registrant Email : ctselvam.noreply@gmail.com Admin details Admin ID : CS9201-GANDI Admin Name : CYRIL THAMARAI SELVAM Admin Organization :

Admin Street 1 : Madras High Court Admin Street 2 : N.S.C. Bose Road Admin Street 3 : Parrys, George Town Admin City : Chennai Admin State / Province :

Admin Postal Code : 600001 Admin Country : IN Admin Phone : +91.9444352479 Admin Phone Ext :

Admin Fax :

Admin Fax Ext :

Admin Email : ctselvam.noreply@gmail.com Investigation revealed that on 28.02.2014, the Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed an order in Crl. O.P No.27389 of 2013 filed by Smt.Mahalakshmi, in which directions were issued to the Group Co-Ordinator (Joint Secretary), Cyber Law Division, Department Information Technology, New Delhi to block the entire website www.savukku.net. Shri Achimuthu Shankar came to know about the Orders dated 28.02.2014 passed by Justice C.T.Selvam, High Court of Judicature at Madras to block his web site www.savukku.net and he created three other websites in the name of Hon ble Justice C.T.Selvam viz. www.ctselvam.in, www.ctselvam.com & www.ctselvam.net on 01.03.2014. The Registration details of the Account collected from Godaddy through DEITY, New Delhi are as follows:- CTSELVAM.IN Registrant :

Name : Suresh Ramasamy Company : Court business Email : meesaimunusamy@gmail.com Address 1 : Cool Pettai Address 2 : Madras High Court City : Kochi State/Province : Kerala Postal Code : 600095 Country : India Phone : +91.9427920923 CTSELVAM.COM and CTSELVAM.NET Registrant :

Name : Registration Private Company : Domains By Proxy, LLC Email : DBP@domainsbyproxy.com Address 1 : DomainsByProxy.com Address 2 : 14747 N Northsight Blvd Suite 111, PMB 309 City : Scottsdale State/Province : Arizona Postal Code : 85260 Country : United States Phone : +1.4806242599 Fax : +1.4806242598 Credit Card Transactions:

Date	:	2/28/2014 7:40:34 PM By customer via Online
IP	:	95.130.9.89
Transaction Occurred as :	Swiss Franc (CHF)	
Payment 1	:	CHF 200.71
Paid	:	Credit Card
Name	:	ACHIMUTHU SHANKAR
Credit card Number	:	#####3739
Credit card Information	:	Visa Exp. 8/2016

Investigation revealed from the Statement of Account of Citi Bank Credit Card No. 4386280017803739 that ShriAchimuthu Shankarmade payment of INR 14,771.65 (Swiss Franc 200.71) to DNH*Godaddy.Com SWISS on 01.03.2014 through his

Credit Card No. 4386280017803739 for the creation of these three websites i.e. www.ctselvam.in, www.ctselvam.com & www.ctselvam.net. Investigation further revealed that ShriK.Pothi, S/o. Late Kalimuthu, a Diploma holder and Graduate in Electronics & Communication was working as a freelancer and doing business of server management and website hosting in odesk.com. He was a permanent reader of articles published in www.savukku.net and timeline and link of face book Account of Shri Achimuthu Shankar. ShriPothiKalimuthu used to write his own comments and thoughts for the articles published in the www.savukku.net and conveyed comments on Shankar's Face book account. Shri Pothi has his own web sites in the names of www.tinywp.in, www.tinywp.com, www.tiny.net and www.Pothi.info. Shri Pothi was also having his own server in digital ocean.com., Linode.com and amazon.com/aws. In the beginning of the year 2014, ShriPothiKalimuthu came to know through the face book time line of Shri Achimuthu Shankar that www.savukku.net was blocked and nobody could read the contents of the website www.savukku.net within India. Hence, ShriPothi created a new domain in the name of www.newsavukku.com on 03.03.2014 through Gandi Uxembourg.com in the registrant name of PothiKalimuthu, 4/118, Kambar Street, Kurunji Nagar, Reserve Line, Madurai. Shri K.Pothi started reading the articles posted in www.savukku.net through his website www.newsavukku.com. It is revealed from the Statement of Account of Axis Bank Credit Card No. 4059950000148278 that Shri Pothi made payment of INR Rs. 884.62 (EUR 10.00) to GandiUxembourg.com through PAYPAL*VIMDONATION on 04.03.2014 for the creation of website www.newsavukku.com. The Registration details of the www.newsavukku.com collected from GANDI through DEITY, New Delhi are as follows:- Domain Name : newsavukku.com Date Creation Date : 03.03.2014 T15:56:44Z Updated Date : 16.02.2015 T18:16:58Z Expiration Date : 03.03.2015 T15:56:44Z Registrar details Registrar : Gandi SAS Registrar IANA ID : 81 Registrar Abuse Contact Email : abuse@support.gandi.net Registrar Abuse Contact Phone : +33.170377661 Registrant details Registrant Name : PothiKalimuthu Registrant Organization :

Registrant Street	:	4/118, Kambar Street,
Registrant City	:	Madurai
Registrant State/Province	:	TN
Registrant Postal Code	:	625014
Registrant Country	:	IN
Registrant Phone	:	9894928049
Registrant Phone Ext	:	
Registrant Fax	:	+33.143730576
Registrant Fax Ext	:	
Registrant Email	:	
90500b5f836bddf3497f3bb03e9a9d85-1424831@contact.gandi.net		
Admin details		
Admin Name	:	PothiKalimuthu
Admin Organization	:	
Admin Street	:	4/118, Kambar Street,
Admin City	:	Madurai

Admin State / Province :
 Admin Postal Code : 625014
 Admin Country : IN
 Admin Phone : 9894928049
 Admin Phone Ext :
 Admin Fax :
 Admin Fax Ext :
 Admin Email :
 90500b5f836bddf3497f3bb03e9a9d85-
 1424831@contact.gandi.net

Investigation revealed that on 29.03.2014, ShriPothi contacted ShriA.Shankar through Facebook account and sent a message wherein he stated that www.savukku.net is not accessible and he registered a new domain to mirror the contents of www.savukku.net and he may see this at newsavukku.com and share it as he wishes. Shri Achimuthu Shankar accepted the same and thereafter Shri Pothi Kalimuthu pulled out the contents of the website www.savuku.net to the proxy website www.newsavuku.com and hosted the same by using his server, so that the people from India could read the articles published in www.savukku.net through the proxy website www.newsavukku.com. The contents of the website www.savukku.net were reappeared in the website www.newsavukku.com and later www.newsavukku.com was also blocked during July 2014 on the directions of the Hon ble High Court of Judicature at Madras. Investigation further revealed that Shri Pothi Kalimuthu rendered his assistance in the maintenance of savukku websites.ShriAchimuthu Shankar also introduced his friend Shri K.S. Nagarajan to ShriPothiKalimuthu. In the process of Posting of Articles in the savukku websites, initially Shri Shankarused Joomla CMS Platform, which was designed by Shri Murugaiyan for the website www.savukku.net. Thereafter, Shri K.S.Nagarajan suggested Shri Achimuthu Shankar to convert the entire articles of savukku websites from Joomla CMS to Word Press . Shri Achimuthu Shankar also agreed for the same and the contents of savukku websites were published by using Word Press thereafter. Investigation revealed that on 30.04.2014, the Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed orders in Crl. O.P No.27389 of 2013 filed by Smt. Mahalakshmi, in which directions were issued to the Addl. Commissioner of Police, Cyber Crime, CCB, Chennai to co-ordinate with the Ministry of Communication, New Delhi and Director of CERT-In to block the entire savukku websites and directed to forward the copy to Google, Yahoo, Youtube, Facebook, etc. On the same day itself i.e. 30.04.2014, the Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed another order in Crl. O.P No.27389 of 2013 filed by Smt. Mahalakshmi, in which directions were issued to ShriE.KhalieRaaj, Regional Head, National Cyber Safety and Security Standards, Southern Region, Adyar, Chennai that a team headed by Shri E.KhalieRaaj shall cause a detailed enquiry into the posting, conduct setup, installation and all related information as they may access pertaining to www.savuku.net or www.newsavukku.com or a direct or intermediary link connecting to any website wherein the word savukku figures. Such authority shall stand extended also to act in respect of other social networking sites such as

Face book, Twitter, etc. Investigation revealed that Shri Achimuthu Shankar came to know about the orders dated 30.04.2014 passed by Justice C.T.Selvam, High Court of Judicature at Madras, directing the agency i.e. National Cyber Safety & Security Standards to pursue and block the entire savukku websites and thus Godaddy, USA blocked the website www.newsavukku.com and other savakku websites. Shri Achimuthu Shankar instructed Shri Pothi Kalimuthu to re-register the website www.savukku.in from Godaddy to Gandi SAS, France, so that the authorities in India could not block the savukku websites. Accordingly, Shri Pothi Kalimuthu re-registered the website www.savukku.in through Gandi Uxembourg.Com in the existing registrant name of Cyril Thamarai Selvam. It is revealed from the Statement of Account of Axis Bank Credit Card No. 4059950000148278 of Shri Pothi Kalimuthu that an amount of INR Rs.774.33 (\$12.50) was paid to Gandi Uxembourg.Com on 15.05.2014. Thereafter, they posted all backup of www.savukku.net and subsequent savukku websites through the new website www.savukku.in. The Registration details of the www.savukku.in collected from Gandi through DEITY, New Delhi are as follows:- Domain Name : savukku.in Domain ID : D8025319-AFIN Date Reg Creation Date : 07.01.2014 10:22:41 Updated Date : 15.05.2015 09:35:14 Expiration Date : 07.01.2017 10:22:41 Created : 15.05.2014 11:22:41 Changed : 20.08.2014 19:42:49 Registrar details Registrar : Gandi SAS Registrar IANA ID : R 91 AFIN Registrant details Registrant ID : CS9201-GANDI Registrant Name : CYRIL THAMARAI SELVAM Registrant Organization :

Registrant Street 1 :

Registrant Street 2 :

Registrant City :

Registrant State/Province :

Registrant Postal Code :

Registrant Country :

Registrant Phone :

Registrant Phone Ext :

Registrant Fax :

Registrant Fax Ext :

Registrant Email : ctselfam.noreply@gmail.com Admin details Admin ID : CS9201-GANDI Admin Name : CYRIL THAMARAI SELVAM Admin Organization :

Admin Street 1 :

Admin Street 2 :

Admin Street 3 :

Admin City :

Admin State / Province :

Admin Postal Code :

Admin Country :

Admin Phone :

Admin Phone Ext :

Admin Fax :

Admin Fax Ext :

Admin Email : ctselfam.noreply@gmail.com Investigation revealed that Shri Achimuthu Shankar and Shri Pothi Kalimuthu came to know that the website www.savukku.in registered with Gandhi SAS was also in holding position by the Registrar Gandhi SAS. Hence, they created a new website in the name of www.newsavukku.org on 19.06.2014 through Gandhi SAS in the registrant name of Pothi Kalimuthu. It is revealed from the Statement of Account of Axis Bank Credit Card No. 4059950000148278 of Pothi Kalimuthu that an amount Rs. 854.51 (\$13.65) was paid to Gandhi Uxembourg.Com on 19.06.2014 by ShriPothiKalimuthu (A-4) through his Axis Bank Credit Card No. 4059950000148278. The Registration details of the website www.newsavukku.org collected from Gandhi through DEITY, New Delhi are as follows:-

Domain Name	:	newsavukku.org
Domain ID	:	D173025506-LR0R
Date		
Creation Date	:	19.06.2014 T17:12:35.Z
Updated Date	:	09.08.2014 T03:47:01.Z
Registry Expiry Date	:	19.06.2015 T17:12:35.Z
Registrar details		
Sponsoring Registrar	:	Gandhi SAS
Registrar ID	:	R42 - LR0R

Registrar Abuse Contact Email : abuse@support.gandi.net
Registrar Abuse Contact Phone : +33.170377661

Registrant details

Registrant ID : PK1428 Gandi
Registrant Name : PothiKalimuthu
Registrant Organization :
Registrant Street : 4/118, Kambar Street,
Kurunji Nagar, Reserve Line
Registrant City : Madhurai
Registrant State/Province : TN
Registrant Postal Code : 625014
Registrant Country : IN
Registrant Phone : +919894928049
Registrant Phone Ext :
Registrant Fax :
Registrant Fax Ext :
Registrant Email :
90500b5f836bddf3497f3bb03e9a9d85-
1424831@contact.gandi.net

Admin details

Admin ID : PK1428 Gandi
Admin Name : PothiKalimuthu
Admin Organization :
Admin Street : 4/118, Kambar Street,
Admin City : Madhurai
Admin State / Province : TN
Admin Postal Code : +91 9894928049
Admin Country : IN
Admin Phone :
Admin Phone Ext :
Admin Fax :
Admin Fax Ext :
Admin Email :
90500b5f836bddf3497f3bb03e9a9d85-
1424831@contact.gandi.net

Registry Bill ID : PK 1428 GANDI
Bill Name : PothiKalimuthu
Bill Organization :
Bill Street : 4/118, Kambar/Street,
Bill City : Madhurai
Bill State/Province : TN
Bill Postal Code : 625014
Bill Country : IN
Bill Phone : +919894928049
Bill E-mail:
90500b5f836bddf3497f3bb03e9a9d85-1424831@contact.gandi.net
Name Server : A.DNS.GANDI.NET

Investigation revealed that after the blocking of website www.newsavukku.com, the entire contents of www.savukku.net and www.newsavukku.com had reappeared in www.newsavukku.org on 16.07.2014 and subsequently www.newsavukku.org was

also blocked during July 2014. Investigation further revealed that while passing orders for blocking/holding the savukku websites by the Hon ble Justice C.T.Selvam and while blocking the savukku websites by the registrars of websites i.e. Godaddy&Gandi SAS, Shri Achimuthu Shankar and Shri Pothi Kalimuthu created a new website in the name of www.savukkuonline.com through the registrar Gandhi SAS on 14.07.2014 in the registrant name Cyril Thamarai Selvam, No.1 NSC, Bose Road, Chennai, TN, 600104 in email id 1d337f1e4f9af62ee23c5cc370f6f6211931176@contact.gandi.net with Phone No.+33 170377666. It is revealed from the Statement of Account of Citi Bank Credit Card No. 4386280017803739 that Shri Achimuthu Shankar made payment of INR Rs. 968.24 (\$15.50) to Gandhi Uxembourg.Com on 13.07.2014 through his Credit Card No. 4386280017803739 for the registration of website www.savukkuonline.com. The Registration details of the website www.savukkuonline.com collected from Gandhi through DEITY, New Delhi are as follows:- Domain Name : savukkuonline.com Registry Domain ID : 1866901815_DOMAIN_COM-VRSN Date Updated Date : 03.12.2014 T13:52:29.Z Creation Date : 14.07.2014 T21:39:34.Z Registrar Registration Expiration Date : 14.07.2015 T21:39:34.Z Registrar details Registrar : Gandhi SAS Registrar IANA ID : 81 Registrar Abuse Contact Email : abuse@support.gandi.net Registrar Abuse Contact Phone : +33.170377661 Registrant details Registrant Name : Cyril Thamarai Selvam Registrant Organization :

Registrant Street : No.1 NSC, Bose Road Registrant City : Chennai Registrant State/Province : TN Registrant Postal Code : 600104 Registrant Country : IN Registrant Phone : +91 9444352479 Registrant Phone Ext :

Registrant Fax :

Registrant Fax Ext :

Registrant Email :

1d337f1e4f9af62ee23c5cc370f6f621-

1931176@contact.gandi.net

Admin details

Admin Name	:	Cyril ThamaraiSelvam
Admin Organization	:	
Admin Street	:	No.1 NSC, Bose Road
Admin City	:	Chennai
Admin State / Province	:	TN
Admin Postal Code	:	600104
Admin Country	:	IN
Admin Phone	:	+91 9444352479
Admin Phone Ext	:	
Admin Fax	:	
Admin Fax Ext	:	
Admin Email	:	

1d337f1e4f9af62ee23c5cc370f6f621-
1931176@contact.gandi.net

Investigation revealed that the website www.savukkuonline.com has not been blocked. Investigation revealed that Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed Orders dated 21.07.2014 in Crl. OP No. 27389 of 2013 filed by Mahalakshmi, in which directions were given to CCB to proceed with the investigation based on the Interim Report filed by the Special Team, National Cyber Safety & Security Standards, Chennai. Investigation also revealed that on the same day i.e. 21.07.2014 Hon ble Justice C.T.Selvam passed Orders in the same Crl.O.P.No.27389 of 2013, in which the Hon ble High Court suo-motto impleaded Google India Pvt. Ltd., 8 & 9th Floor, Tower C , Building No.8, DLF Cyber City, Gurgaon, India and Facebook India Pvt. Ltd., Building No.20, Raheja Mind Space, Hi-Tech City Main Road, Vittal Rao Nagar, Hyderabad as party Respondent 3 & 4 and this was to be effected through 2nd Respondent i.e. Inspector of Police, Cyber Crime, CCB, Chennai. It is also revealed that during the investigation conducted by Cyber Crime, CCB, Chennai, they arrested ShriPothiKalimuthu on 24.07.2014 by arraigning him as accused. The confessional statement of ShriPothi was recorded in the presence of independent witnesses regarding the creation of the above websites. He was remanded to Judicial Custody and further lodged in Puzhal Prison for about 45 days. Shri Achimuthu Shankar obtained Anticipatory Bail from the Hon ble High Court of Judicature at Madras. Investigation revealed that Hon ble Justice C.T.Selvam, High Court of Judicature at Madras passed Orders dated 28.08.2014 in Crl. OP No. 27389 of 2013 filed by Mahalakshmi, in which the Hon ble Court suo-motto impleaded Secretary, Ministry of Communication and Information Technology, Department of Telecommunication, Govt. of India, New Delhi as Respondent-5 and the Director (DS-II), Ministry of Communication and Information Technology, Department of Telecommunication, Govt. of India, New Delhi as Respondent-6 in the case. In the same orders, the detailed investigation conducted by the Special Team was also mentioned. Investigation revealed that Shri Pothi Kalimuthu filed Bail Petition before the Hon ble High Court of Judicature at Madras and he was granted conditional bail on 05.09.2014 by the Hon ble High Court of Judicature at Madras. After the release of ShriK.Pothi on bail, Shri Achimuthu Shankar instructed him to create a new website in the name of www.savukkunews.com. Accordingly, Shri Pothi Kalimuthu created a new website in the name of www.savukkunews.com on 13.10.2014 through GUI Gandi US Inc in the Registrant name of Shri Mike P.Sinn, US. It is revealed from the Statement of Account of Axis Bank Credit Card No. 4059950000148278 of PothiKalimuthu that an amount Rs. 990.54 (\$15.50) was paid to GUI*Gandi US Inc. on 15.10.2014 for the registration of website www.savukkunews.com. The Registration details of the website www.savukkunews.com collected from Gandi through DEITY, New Delhi are as follows:- Domain Name : [savukkunews.com](http://www.savukkunews.com) Registry Domain ID : 1880273852_DOMAIN_COM_VRSN Date Updated Date : 14.10.2014 T14:19:08.Z Creation Date : 13.10.2014 T23:32:53.Z Registrar Registration Expiration Date : 13.10.2015 T23:32:53.Z Registrar details Registrar : Gandi SAS Registrar IANA ID :

81 Registrar Abuse Contact Email : abuse@support.gandi.net Registrar Abuse
Contact Phone : +33.170377661 Registrant details Registrant Name : Mike P.Sinn
Registrant Organization :

Registrant Street : 167, Glenwood Drive, Registrant City : Glen Carbon Registrant
State/Province :

Registrant Postal Code : 62034 Registrant Country : US Registrant Phone :
+16183910002 Registrant Phone Ext :

Registrant Fax :

Registrant Fax Ext :

Registrant Email :

915a92ce3edd9846ac363a64d3988ab8-

2375944@contact.gandi.net

Admin details

Admin Name : Mike P.Sinn

Admin Organization :

Admin Street : 167, Glenwood Drive

Admin City : Glen Carbon

Admin State / Province :

Admin Postal Code : 62034

Admin Country : US

Admin Phone : +16183910002

Admin Phone Ext :

Admin Fax :

Admin Fax Ext :

Admin Email :

915a92ce3edd9846ac363a64d3988ab8-2375944@contact.gandi.net

Registry Bill ID : PK 1428 GANDI

Bill Name : PothiKalimuthu

Bill Organization

Bill Street : 4/118, Kamar/Street,

Bill City : Madurai

Bill State/Province : TN

Bill Postal Code : 625014

Bill Country : IN

Bill Phone : +919894928049

Bill E-mail:

90500b5f836bddf3497f3bb03e9a9d85-1424831@contact.gandi.net

Name Server : A.DNS.GANDI.NET

Investigation further revealed that since the Hon ble High Court of Judicature at
Madras passed orders to block the entire websites in the name of savukku from all
ISP Providers and Website Service Providers, Shri Achimuthu Shankar registered a

website by name www.tamilwhip.com on 06.11.2014 through Gandhi SAS, in which there was no word/letter savukku figured. He registered this website by giving his own name as registrant i.e. Achimuthu Shankar, Obfuscated whois Gandhi-63-65 boulevard Massena - Paris in email id 04136d4cba6b45b6bcfc44882f2095192517508@contact.gandi.net with Phone No.+33.143730576. It is revealed from the Citi Bank Credit Card Payment details in the name of ShriAchimuthu Shankar vide Credit Card No. 4386280017803739 that an amount of Rs. 991.20 (\$15.50) was paid to Gandhi Uxembourg.Com on 06.11.2014. The registration details of www.tamilwhip.com taken from who is.net by National Cyber Safety and Security Standards are as follows: Domain Name : tamilwhip.com Registry Domain ID : 1883905742_DOMAIN_COM_VRSN Date Updated Date : 07.11.2014 T15:48:05.Z Creation Date : 06.11.2014 T12:48:45.Z Registrar Registration Expiration Date : 06.11.2015 T12:48:45.Z Registrar details Registrar : Gandhi SAS Registrar IANA ID : 81 Registrar Abuse Contact Email: abuse@support.gandi.net Registrar Abuse Contact Phone: +33.170377661 Registrant details Registrant Name : Achimuthu Shankar Registrant Organization :

Registrant Street : Obfuscated whois Gandhi-63-65 boulevard Massena Registrant City : Obfuscated whoisGandhi-Paris Registrant State/Province : Registrant Postal Code : 75013 Registrant Country : FR Registrant Phone : +33.170377666 Registrant Phone Ext :

Registrant Fax : +33.143730576 Registrant Fax Ext :

Registrant Email :

04136d4cba6b45b6bcfc44882f209519-2517508@contact.gandi.net Admin details Admin Name : Achimuthu Shankar Admin Organization :

Admin Street : Obfuscated whois Gandhi-63-65 boulevard Massena Admin City : Obfuscated whoisGandhi-Paris Admin State / Province :

Admin Postal Code : 75013 Admin Country : FR Admin Phone : +33.170377666 Admin Phone Ext :

Admin Fax : +33.143730576 Admin Fax Ext :

Admin Email :

04136d4cba6b45b6bcfc44882f209519-2517508@contact.gandi.net Investigation revealed that Shri Achimuthu Shankar published articles in the website www.savukku.net against Smt. Mahalakshmi and others which were defamatory in nature and made it available in the website for public view with the intention to insult the modesty of Smt. Mahalakshmi, thereby intruded upon her privacy, which caused

damage/injury to her image among public and thereby he committed the offences punishable u/sec.509 IPC. Shri A.Shankar posted these articles which were defamatory in nature in the website, by which he caused injury to the character and moral of Smt. Mahalakshmi and put her into shame or embarrassment in public and caused nuisance in her day to day life,thereby Shri Shankar committed the offences punishable u/sec. 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998. Hence, Charge Sheet was filed before the Court of Ld. Addl. Chief Metropolitan Magistrate, Egmore, Chennai against Shri A.Shankar for the offences punishable u/sec. 509 IPC and sec. 4 of TNPHW Act, 1998. Investigation further revealed that ShriA.Shankar, despite knowing the case registered by Cyber Crime, Central Crime Branch, Chennai based on the orders of the Ld. Chief Metropolitan Magistrate Court, continued to publish the said defamatory articles in the website www.savukku.net. Though there were clear cut directions given by the Hon ble High Court of Judicature at Madras to block the website www.savukku.net and remove the defamatory articles, Shri Shankar created various other new websites viz. www.savukku.in, www.newsavukku.com, www.ctselvam.com, www.ctselvam.in, www.ctselvam.net, www.newsavukku.org, www.savukkunews.com and www.savukkuonline.com, with the assistance of ShriPothe and continued posting various articles including the backup of the already existing articles in these subsequent websites. These acts of Shri A.Shankar and Shri Pothe Kalimuthu amount to Contempt of the Hon ble High Court of Madras and hence this Self Contained Note is being sent to the Hon ble High Court of Madras to initiate Contempt Proceedings against them.

18. Thus, it is seen that Shankar s/o.Aachimuthu, a constable under suspension and one who has been arrested and released on bail in a CBCID case has repeatedly indulged in brazen acts of contempt. That such act continues to this present day is borne out by the fact that the website viz., www.savukkuonline.com, is presently functional. The registrant's name for the site contemptuously stands informed as Cyril Thamarai Selvam, which, we may remind, is the name of a sitting Judge of this Court, as does the admin name and depicts the continuous nature of contempt.

The investigating agency has informed that the payment for the service has been made by Shankar s/o.Aachimuthu Shankar using his City Bank Credit Card No.4386280017803739. Being of the view that gross criminal contempt of this Court has been repeatedly and continuously indulged in, this Court in exercise of powers under Article 215 of the Constitution of India directs the Registrar (Judicial) of this Court to issue statutory notice of Contempt to Shankar S/o.Aachimuthu, No.12/6, TNHB Flats, Madhuravoyal, Chennai, returnable in four weeks. Thereafter, the matter may be placed before My Lord The Honourable The Chief Justice towards being posted before an appropriate Bench.

21.06.2016 Index:yes Internet:yes gm To

1.The Commissioner of Police, Greater Chennai, Egmore.

2.The Inspector of Police, Cyber Crime, Greater Chennai, Egmore.

3.The Secretary, Ministry of Communication and Information Technology, Department of Telecommunication, Government of India, New Delhi.

4.The Director (DS-II), Ministry of Communication and Information Technology, Department of Telecommunications, Government of India, New Delhi.

5.The Group Co-ordinator (Joint Secretary), Cyber Law Division, Department of Information Technology, Ministry of Communication and Information Technology, Government of India, Electronic Niketan No.6, Central Government Offices Complex, New Delhi 110 003.

C.T.SELVAM, J gm Pre-delivery order in CRL.O.P.Nos.27389 of 2013, 16652, 16678 of 2014, Crl.O.P.No.Sr.43843 of 2013 and Contempt Petition No.447 of 2015 21.06.2016