



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MR JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 3273 OF 2017

BETWEEN:

DR. MANJUNATHA Y.C.
S/O B.CHOWDAPPA,
AGE 41 YEARS,
NO.7, YALACHIPURA,
KAMADENUHALLI POST,
KOLAR TALUK AND DISTRICT-563 101

...PETITIONER

(BY SRI. M.V.SESHACHALA, SENIOR ADVOCATE FOR
SRI. ARAVIND V. CHAVAN, ADVOCATE)

AND:

1. STATE BY GULPET POLICE STATION
KOLAR-CHIKKABALLAPUR ROAD,
NOOR NAGAR, RAHMATH NAGAR,
KOLAR-563101
2. STATE BY CID POLICE
CYBER CRIME,
CARLATON HOUSE,
BENGALURU-560 001.
3. SRI. P.N.SRIRAMULU
PROFESSOR,
DEPARTMENT OF SURGERY,
R.L. JALAPPA HOSPITAL,
TAMAKA, KOLAR-563 101

...RESPONDENTS

(BY SRI. KRISHNA KUMAR K.K., HIGH COURT GOVERNMENT
PLEADER FOR RESPONDENT NOS.1 AND 2;

NOTICE SERVED ON RESPONDENT NO.3)

THIS CRL.P IS FILED UNDER SECTION 482 THE CODE OF
CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE





PROCEEDINGS PENDING BEFORE THE COURT OF I ADDL. CIVIL JUDGE AND JMFC, KOLAR IN C.C.NO.969/2016.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the accused in C.C.No.969/2016 on the file of the I Additional Civil Judge and JMFC, Kolar (henceforth referred to as 'Trial Court' for short), challenging the cognizance taken against him by the Trial Court for the offences punishable under Section 66 of the Information Technology Act, 2000 and Section 201 of IPC.

2. The case of the prosecution was that CW.1 lodged a complaint on 29.10.2014 stating that he was employed as a Medical Superintendent, while another lady Smt. Sheela was employed as a Deputy Medical Superintendent at R.L. Jalappa Hospital. The Principal of R.L. Jalappa Medical College received a letter dated 27.10.2014 from the Administrative Officer, Medical Council of India and on perusal of the said letter, it was found that several complaints in the names of the complainant and Smt. Sheela were forwarded from an e-mail ID "ramulu.sdumc@gmail.com". It was claimed in the complaint



that the allegations made in the mail related to Administrative issues when the complainant and Smt. Sheela were employed at Devaraj Urs Medical College. It was claimed that they did not create the e-mail ID "ramulu.sdumc@gmail.com" and that the some third party in order to damage their image had created a false e-mail ID and had submitted a complaint to the Medical Council of India. Based on the said complaint, the jurisdictional police registered Crime No.142/2014 for the offences punishable under Sections 66, 66A of the Information Technology Act, 2000. The investigating officer traced IP address, from where the e-mail was created and seized the laptop of the petitioner herein, which was allegedly used to create e-mail ID "ramulu.sdumc@gmail.com" and subjected it to forensic examination by the Central Forensic Science Laboratory, Hyderabad. After receiving the report of the Forensic Science Laboratory and recording the statement of the witnesses, the investigating officer filed charge-sheet complaining the commission of offences punishable under Section 66 of the Information Technology Act, 2000 and Section 201 of IPC. The Trial Court took cognizance of the



offences punishable under Section 66 of the Information Technology Act, 2000 and Section 201 of IPC.

3. Being aggrieved by the same, the present petition is filed.

4. The learned Senior counsel representing the petitioner/accused submits that the report of the Central Forensic Science Laboratory discloses that there is nothing incriminating found in the laptop belonging to the petitioner/accused. He invited the attention of the Court to the report, where it was specifically mentioned that there is no reference of "ramulu.sdumc@gmail.com" and the documents marked at Exs.D1 to D9 could not be found in the Suspected Digital Evidence Storage Media marked as Q1LP. He also submitted that the report of the State Forensic Science Laboratory discloses that the e-mail ID "ramulu.sdumc@gmail.com" is not found in the mobile phone of the petitioner/accused marked as Exs.D1a and D2 and likewise, the document allegedly mailed through e-mail ID "ramulu.sdumc@gmail.com" was not found in the mobile phone of the petitioner/accused. He therefore, submits that there is



no material on record to indicate that the laptop or the mobile phone belonging to the petitioner/accused were used to forward the mail to the Medical Council of India and therefore, no offence was made out. The learned Senior counsel further submitted that no useful purpose would be served in continuing the criminal prosecution of the petitioner/accused.

5. The learned High Court Government Pleader, on the other hand, submitted that the report of the Central Forensic Science Laboratory disclosed that the IP logs of the e-mail ID "ramulu.sdumc@gmail.com" was obtained from the Google and physical address was obtained from respective service providers and it was found that the physical address of the gmail was traced to one Dr. Y.C. Manjunath, Kolar Town, who was employed as Radiologist at Sri. Chowdeshwari Hospital, Kolar. The investigating officer had visited Dr. Y.C. Manjunath on 24.01.2015 and his personal laptop was seized. He therefore, submitted that there was evident material on record to establish the crime.

6. I have considered the submissions made by the learned Senior counsel for the petitioner/accused as well as the



learned High Court Government Pleader for the respondent Nos.1 and 2.

7. The entire case of the prosecution revolved around a false e-mail ID created. The IP logs of the e-mail ID "ramulu.sdumc@gmail.com" which was obtained from Google as well as physical address obtained from service providers linked the petitioner/accused and therefore, the laptop and the mobile phone of the petitioner/accused were seized. Though both these electronic devices were subjected to forensic examination, there was nothing found that these laptop and mobile phone were used to generate the e-mail ID "ramulu.sdumc@gmail.com" or to submit the complaint to the Medical Council of India. Therefore, there is no material on record to establish that the petitioner herein was the one responsible for creating false e-mail ID "ramulu.sdumc@gmail.com" and in forwarding complaint to the Medical Council of India. The prosecution failed to establish any motives on the part of the petitioner herein in sending the complaint against the respondent No.3 herein to the Medical Council of India and therefore, pursuing the criminal case



against the petitioner would only be a wastage of time and an empty formality.

8. In that view of the matter, this petition is ***allowed***. The proceedings pending on the file of the I Additional Civil Judge and JMFC, Kolar in C.C.No.969/2016, are quashed. The petitioner is set free.

**Sd/-
JUDGE**