

CASE COMMENTARY

STATE OF TAMIL NADU vs. SUHAS KATTI

Bench: D. Arulraj, Additional Chief Metropolitan Magistrate, Egmore, Chennai

Complainant: State of Tamil Nadu

Respondent: Suhas Katti

Date of Judgment- 05/11/2004

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ABSTRACT

This document contains the case comment on State of Tamil Nadu vs. Suhas Katti. The case is popularly known as “The Suhas Katti Case”. This case grabs limelight being the first case of conviction of cybercrime under IT Act and was decided in the year 2004. The case comment comprises of the introduction, background, analysis of the case under section 67 of the IT Act, cyber stalking, online evidence and further developments after the case. There are very important points in the case which makes it important in itself. The case further inspired many people to come forward and complain against cybercrime. The case is also important for the providing online evidence under section 65B of the Evidence Act for the first time. The IT Act and its execution, for this case, had a noteworthy effect and aided both the courts and general society as it sets a benchmark for the courts and inspired individuals and strengthened them to file complaints against the cyber harassment and defamation over the internet.

KEYWORDS: Suhas Katti Case, First conviction under IT Act, Benchmark, Cybercrime, Women Modesty, Section 67 of IT Act.

INTRODUCTION

The Additional Chief Metropolitan Magistrate single judge bench Justice. D. Arulraj on 5th November, 2004 delivered its judgement for the case of State of Tamil Nadu vs. Suhas Katti. The present case gained limelight due to the fact that it was the first ever conviction that happened under the IT Act, 2000. Moreover, the Chennai Cyber Cell was also appreciated for its phenomenal efficiency since this case was solved within a short span of just 7 months after the filing of the FIR. The most important aspect of the case is that, under section 65B of the Indian Evidence Act, the court for the first time adopted the person's validation as an 'expert and the admissibility of electronic evidence.

Cybercrime cases are usually extremely arduous since the Investigating Officer has to collect proper evidence without any loopholes and also prove the evidence beyond reasonable doubt. The present case had attracted Section 67 of the Information Technology Act, 2000 along with Section 509 of The Indian Penal Code, 1860. Section-67 of the Information Technology Act, 2000 deals with Punishment for publishing or transmitting obscene material in electronic form¹. If the contents of these obscene messages are such that it outrages the modesty of a woman, the accused could also be charged under Section-509 of the Indian Penal Code which deals with outraging the modesty of a woman²

In the present case, the victim i.e., Ms. Roselind and accused were friends, the accused wanted to marry Ms. Roselind but she had refused this and instead had married Mr. Prajapathy who she was in love with. Later, in 2003 she got a divorce with her husband. After the divorce, the accused again tried to approach the victim and asked her to marry him to which the victim refused. The accused still never stopped and continued with his messages and late-night calls. Being infuriated and aggressive due to the rejection, he started harassing and stalking her by posting her number on social media and uploading obscene messages for defaming her and outraging her modesty. The obscene message was posted on 5 sex groups with the username 'Roosean' and was sent through a forged ID 'roosean@yahoo.co.in' After all this, she started to receive messages and calls from unknown people asking for sexual favors. She informed her parents about the same and thus made another email id through which she sent the groups and also the accused a warning. However, this did not stop and thus she filed for a complaint with the Cyber Crime Cell, Central Crime Branch, Egmore, Chennai. After all the investigation, on

¹ INFORMATION TECHNOLOGY ACT, 2000.

² INFORMATION TECHNOLOGY ACT, 2000.

the 5th of November, 2004, the accused was found guilty under Section 469 and Section 509 of the IPC and also Section 67 of the IT Act.

BACKGROUND

The generation of today is seen to have been interconnected via the internet and various other social networking sites. It thus becomes the responsibility of every individual to secure and safeguard this platform. However, tragically, the forum which was made with the aim of providing a helping hand to world has turned into the biggest web wherein people are easily trapped. In the contemporary world, cybercrimes and crimes against women have been escalating with full tilt. Thus, to understand the present case, an analysis of the precedents and the evolution of law is as follows:

- **Sharat Babu Digumarti vs. Govt. of NCT of Delhi**

The court very categorically had mentioned in this case that the IT Act is a special law and it covers all kinds of transmissions which were made in online and electronic form. It is a well-known fact that the special law always prevails over the general laws. Thus, the court observed that *“When the Act in various provisions deals with obscenity in electronic form, it covers the offence under Section 292 of Indian Penal Code.”*³

- **R. Arun and Ors. vs. Inspector of Police, Thiruppur North Police Station and Ors.**

The case was in the limelight since it affected a woman about whom a defamatory and lousy message was posted online which brought in calls from strangers threatening the woman. Section 509 of the IPC was attracted and the court held that *“sending obscene messages and pictures over a mobile phone, threatening a woman in front of others amounts to outraging the modesty of a woman.”*⁴

- **Linga Bhaskar and Ors. vs. The State and Ors.**

“Section 67 of Information Technology Act, it can be seen that this provision prohibits publication of information that is obscene in electronic form. The prohibition against the obscenity as contemplated under Section 67 of the Information Technology Act in public interest is violated only when a person publishes or transmits any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely to read, see or hear the matter contained in those materials. In this case, certainly, the allegations do not indicate any publication of

³ *id.* At 3.

⁴ (14.11.2017 - MADHC): MANU/TN/4760/2017.

obscene material which is lascivious or appeals to prurient interest. The object of Section 67 of Information Technology Act is, therefore, about a publication revealing a over sexual interest or desire or encouraging an excessive interest in sexual matters.”⁵

ANALYSIS

The accused was found guilty under Section 469 and 509 of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000. He had to undergo a rigorous imprisonment for 2 years and was liable for a fine of Rs. 500.

The court was very accurate in punishing the accused under Section 469 of the IPC since he made a fake ID of the victim and also committed forgery which harmed the reputation of the victim. She had also received numerous phone calls and messages from mysterious people who asked her for various sexual favours since the accused had sent obscene messages from the fake ID on 5 different sex groups. One of the groups was an open group and any individual had access to it. It clearly had outraged the modesty of the victim and thus the court was absolutely right in punishing the accused under Section 509 of the IPC. IPC does not as such define the term “modesty” but the guidelines regarding the same was given in the case of *I. Linga Bhaskar and Ors. vs. The State and Ors.*⁶

It was also found that the messages were sent from Mumbai. The IP addresses also confirmed that the messages were from a Cyber Café located in Mumbai. There were two Cafes and their owners who acted as a witness. One of them also very clearly identified the accused and also told the court that he was suspicious as to why a man would register using a woman’s name. Other evidences were also collected such as printouts of obscene messages, response to these messages, warning mails sent etc. It was also collected that the accused had created a fake ID of the victim and evidence that the victim had blocked his number. All the evidences, with the help of investigation was out and so was the truth regarding the accused and this was the reason why he was penalised.

The court had also taken into consideration all the arguments put forth by both the parties and it was only after this that it had arrived to a very logical and rightful decision. The spirit of fair trials was also kept alive and the accused was, in no way, barred from representing his side of the case. The decision was taken on the basis of the existing laws and precepts were also taken

⁵ (05.06.2018 - MADHC): MANU/TN/2474/2018.

⁶ (14.11.2017 - MADHC): MANU/TN/4760/2017.

into consideration. The present case thus was ironed out using a very veracious path which helped the court arrive at its judgement of justice. It was also noted that the modesty of the women is of utmost importance and that the courts as well as the society must take an initiative to work towards it collectively. However, it was observed that the laws do need some amendments to adhere to public policy and it was of paramount importance to strengthen them. The case thus, stands out to be a landmark judgement been given by the court of law.

CONCLUSION

The decision of the court in the present case which resulted in conviction of the accused was undeniably accurate.

However, small changes such as amendment of Section 509 of IPC to include a legitimate and comprehensive clarification will be an incredible way to strengthen the laws. Modification of Section 67 of the IT Act to clarify the significance of vulgar material will incredibly help in understanding and ensuring a woman's privileges and to likewise avoid Cyber Crime.

Living in the 21st century where life revolves around the internet, it is of utmost importance to manage and put an end to cybercrimes and certain alterations would help the country achieve this.
