

State of Tamil Nadu
v/s
Suhas Katti

Citation	CC. No. 4680 of 2004
Judgement Date	5 th November, 2004
Bench	Court of Chief Metropolitan Magistrate, Egmore
Appellant	State of Tamil Nadu
Respondent	Suhas Katti
Acts/ Sections Involved	Section 67 of the IT Act, 2000 Section 469 and 509 of IPC, 1860

INTRODUCTION

This case is related to obscenity posting about a divorce woman in Yahoo messenger group. It is the only unique case achieving conviction within short span of seven months from filing FIR. The Chennai Cyber Crime Cell achieved the conviction. In the case, a woman complained to the police about a man who was sending her obscene, defamatory and annoying messages in a Yahoo message group. The accused also forwarded emails received in a fake account opened by him in the victim's name. The victim also received phone calls by people who believed she was soliciting for sex work. This case, State of Tamil Nadu vs Suhas Kutti, Citation 4680 of 2004 criminal complaint was a landmark case decided in the least time regarding Cyber Crime Management.

FACTS OF THE CASE

The accused was a family friend of the complainant. The accused posted annoying, defamatory, and obscene messages about the complainant. The victim was a divorcee woman on social media platforms, and a

messenger apps. Yahoo messenger app was used by the accused to post such rumours about the women. The main problem behind all of this is that the accused is interested in the woman. He also wanted to marry her, but she got married with another man. After her divorce, the accused again started forcing her to marry him, but she rejected him again. After being rejected twice, he started posting defamatory messages about her and also shared her personal mobile number on social media.

After all this, mails were also forwarded to the women for giving her the information about accused. The accused has opened a false email account on the name of the victim. Because of all this, the victim received many disrespectful and obscene calls. After suffering such defamation by the acts of the accused, the woman filed a complaint against the accused. Based on the complaint registered by woman, the accused was arrested by the police. After some days. A charge sheet was filed on 24th March, 2004 under Section 67 of the IT Act, 2000 and Section 469 of the IPC, 1860.

ISSUES RAISED

Whether the charges against the defendant under the Indian Penal Code, 1860, section 67 of the Information Technology Act, 2000 469 and 509, were maintainable?

LAW CONCERNED

The Indian Penal Code, 1860

- Section 469 : Forgery in order to harm reputation.
- Section 509 : Word, action, behaviour aimed at offending a woman's modesty.

The Information Technology Act, 2000

- Section 67 : Publication of submissions against the will and causing defamation in electronic mode.

ARGUMENTS RAISED BY DEFENCE

The defence counsel argued that the offending mails and messages were either sent by her ex-husband or any other person but him. He argued that the victim herself wanted to marry the accused and after being rejected, the victim tried to put false allegations on the accused.

COURT OBSERVATIONS

The accused was held liable for the charges because :

Under Section 469 of IPC - the provision states that any person who does the forgery of anything with the intention of causing harm to the other, the person must be held liable under this section. In the present case, the accused posted the contact number of the victim on social media platform along with defamatory sentences in order to attack the character of the victim. This all was a revenge from as she denied to marry him. Under Section 509 of IPC. - The accused clearly wrote many such thing about

the victim on Yahoo messenger app due to which victim started getting obscene calls and her character was questioned. This act was willingly done by victim in order to outrage her modesty socially and make her a false person. Under section 67 IT Act - this section provides the punishment for the person who transmits obscene content on electronic form and the victim clearly did it. Therefore, the accused was liable under the charges imposed on him.

JUDGEMENT

Additional chief metropolitan magistrate on 05-11-2004 delivered the judgement, "under section 469 and 509 of Indian Penal Code ie forgery for purpose of harming reputation - Whoever commits forgery, intending that the document or electronic record forged until shall harm the reputation of any party or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. And word, gesture or act intended to insult the modesty - it is bailable.

and section 67 of Information technology act the accused is found guilty for the offence done by him, and for which he must be convicted and sentenced to undergo rigorous imprisonment for 2 years, a fine of Rs 500/- Under Section 469 of Indian Penal Code also for the offences under section 509 of the Indian Penal Code that is mentioned above accused is sentenced for 2 year of simple imprisonment with the fine Rs 500/- And under section 67 of the Information technology Act, 2000 the accused has to undergo for rigorous imprisonment of 2 years with the fine of Rs. 4000/-

The accused must have to pay the fine and imprisonment at Central prison, Chennai.