

THE HON'BLE SRI JUSTICE RAKESH KUMAR
AND
THE HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.9166 of 2020
(Proceedings taken up through video conferencing)

ORDER: (Per Hon'ble Sri Justice Rakesh Kumar)

The petitioner, whose shoulder is heavily burdened with the responsibility of mainly protecting the right of a citizen guaranteed under Part III of the Constitution of India, is itself before this Court with inwardly pain due to indirect/direct attack on it by some of malefactors. Even some occupying high positions and Constitutional posts are not restraining themselves in committing the same mistake. Since the month of April, 2020, this Court has noticed that a new trend has developed in the State of Andhra Pradesh to abuse the High Court and its Judges on different sites of social media and even in the interviews given to electronic media. It is well-known that Judges are not having any platform to come and say about their integrity, sincerity etc., even in a case they are otherwise abused or insulted. It is true that under the provisions of the Contempt of Courts Act, 1971, in a case of willful disobedience/insult to the Court, one can be dealt with; but the fact remains that penal provisions under the Contempt of Courts Act are though enough to deter persons, who have some faith in the system; but not enough to deter such malefactors in making unwarranted allegations against the Judiciary or Judges. The person occupying high posts are indulging in waging war against the judicial system in the State of Andhra Pradesh oblivious of the fact that even their entity is existed since there is democratic system in our country. In a democratic State if such war is initiated against the judicial system by persons holding high positions, certainly it will create unnecessary doubt in the mind of citizen against the judicial system, which may cripple entire system. It need not to be elaborated that in the State of Andhra Pradesh, in general, people are well disciplined and law abiding. They have got faith in the system.

However, it appears that the petitioner is being attacked by some corner with some oblique motive.

2. The petitioner, i.e., High Court of Andhra Pradesh, at Amaravati, taking decision on administrative side, has preferred to invoke the writ jurisdiction under Article 226 of the Constitution of India, primarily with a view to protect its entity from the attack of some of antisocial elements in our State.

3. The present writ petition was filed with a prayer for issuance of writ of an appropriate writ or order or direction, particularly, writ in the nature of writ of Mandamus:

- A. To declare the action of the Respondent Nos.2 to 6 in failing to act progressively and to take necessary action and to invoke the appropriate provisions of law, as mandated, pursuant to the registration of FIR No.16/2020, dated 16.04.2020, and FIR No.17/2020, dated 18.04.2020 on the file of Respondent No.6 against the said offenders, as being illegal, arbitrary and unconstitutional, and in violation of provisions of Criminal Procedure Code and Information Technology Act, 2000, and
- B. To declare the action of the Respondent Nos.7-9 & 19, more particularly, Respondent Nos.9 & 19, in failing to act against the Respondent Nos.10 to 18, where under social networking platforms are being utilized and abused for creating ill-will and hatred against the petitioner herein in the mind and eye of the Public, as being illegal, arbitrary, unconstitutional and in violation of provisions of IPC, Cr.P.C and I.T Act, 2000, thereby securing protection to the Judiciary, and
- C. To declare the action of the Respondent Nos. 7 to 9 and 19 in failing to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 and 19 to prescribe guidelines to intermediaries, thereby securing certain protection to the Judiciary, and
- D. Consequently, in the alternative, transfer the investigation in FIR No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 to any other competent investigating Agency under the supervision and control of Respondent No.7, or direct the Respondent Nos.2 to 5 to act progressively and take necessary steps pursuant to the registration of said FIRs and
- E. Consequently, to direct Respondent Nos.7 to 9 to frame guidelines for the intermediaries in compliance of Section 79(2)(c) read with Section 87(2)(zg) of the Information Technology Act which authorizes the Respondent Nos.7 to 9 to prescribe guidelines to intermediaries.

- F. Consequently, to direct the respondent Nos.10 to 18 to devise self-regulatory framework to prohibit the posting of defamatory, incriminatory and abusive contents on their respective platforms with respect to Judiciary in India, and
 - G. Consequently to direct the Respondent Nos.10 to 18 to forthwith remove all such posts/comments/tweets/videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court as reported in the said FIR No.16/2020 dated 16.04.2020 and FIR No.17/2020 dated 18.04.2020 on the file of Respondent No.6, in consultation with the petitioner herein and further desist and cease any such posts/comments/tweets/videos and those contents which are defamatory, incriminatory and abusive in nature pertaining to this Hon'ble Court, and
 - H. Consequently to direct the Respondent Nos.7 to 9 and 19 to frame, formulate and promulgate Uniform Guideline/ Regulations to protect the image, reputation and sanctity of the Hon'ble Supreme Court of India and the Hon'ble High Courts of all States in India, and also, the Hon'ble Judges of the Hon'ble Supreme Court of India and Hon'ble Judges of the Hon'ble High Courts of all States in India, and also the paraphernalia attached to the Hon'ble Courts, from any sort of attack through the print, electronic and social networking media, or in a manner of insulting, threatening, derogatory, discriminatory, provocative in nature or even such that it incites and encourages use of violence, either through social media or any other forum or platform, by appropriately amending the statutes and penal laws governing the print and electronic media."
4. Even after filing of the two complaints by the Registrar General of High Court of Andhra Pradesh; one on 16.04.2020 and another complaint, dated 17.04.2020, culminating to registration of two Crimes, *vide* Crime No.16 of 2020 and Crime No.17 of 2020 registered for the offences under Sections 505 (2) and 506 of the Indian Penal Code, 1860, instead of decline in posting defamatory posts on social media, it started increasing. Earlier, two complaints were filed on noticing defamatory posting against one of the Hon'ble Judges of this Court, which was posted by one of the alleged accused, namely, Kondareddyhanireddy, YSRCP, shared by (i) Sudheer Pamula; and (ii) Mani Annapureddy on 15.04.2020. It is evident from running page no.28 of the main writ petition that a complaint, dated 16.04.2020, made by the Registrar General to the Superintendent of Police, Cyber Crimes-CID, Amaravati, that such posts were made due to the reason that the Hon'ble Judge has quashed the Government Order relating to introduction of English

Medium in schools. Almost, in the same context, again on 17.04.2020, a written report was submitted under the signature of the Registrar General to the Superintendent of Police, Cyber Crimes, CID, disclosing cognizable offences against the accused persons on an allegation of posting on social media. Two FIRs were lodged; one on 16.04.2020 itself; and second on 18.04.2020. Subsequently, again there were number of posts on social media against the Judges of the High Court, Hon'ble Supreme Court and including High Court itself. Again immediately thereafter, one another written report was filed by the Registrar General of the High Court on 24.05.2020 addressed to the Superintendent of Police, Cyber Crimes, CID. This time again, the Court and the Judges were abused in view of some of the orders passed by this Court.

The written report is re-produced herein below:

**“B.RAJASEKHAR
REGISTRAR GENERAL**

**AMARAVATI
Dt.24.05.2020**

To
The Superintendent of Police,
Cyber Crimes - CID,
Amaravathi, Andhra Pradesh,

Sir,

Sub: Complaint regarding abusive, life threatening and intimidating postings in Social Media against the Hon'ble Judges, fabricating material against the High Court and Hon'ble Judges and posting in Social Media to bring hatred, contempt, incite, disaffection and ill-will against the High Court and Hon'ble Judges - seeking expeditious registration of case and action as per law - Reg.

* * *

I am to inform you that Registrar (Judicial) of the High Court has received various emails in the Official email account and mobile of Registrar (Judicial) with Videos and postings in the social networking media and the material reveal names of several persons including Mr.Nandigam Suresh, Mr. Amanchi Krishna Mohan, Mr. Metta Chandra Sekhar Rao, Mr. Kalanidhi Gopala Krishna, Mr. Kishore Reddy Darisa, Mr. Chandu Reddy, Mr. G.Sridhar Reddy, Mr. Jelagam Venkata Satyanarayana, Mr. Arjun Ganji, Mr. Sridhar Reddy Avuthu, Mr. Ramanjaneya Reddy, Mr. Satish Kumar, Mrs. Gowthumi K, Mr. Linga Reddy, Dr. Ravi Kumar, Mr. Samir Rathod, Mr.Seenu P, Mr. Ramesh Gunta, Mr. Chiranjeevi and others, in their interviews/speeches/postings attributed motives, caste and corrupt allegations to some of the Hon'ble Supreme Court

Judges, Hon'ble High Court and Hon'ble High Court Judges in delivering orders/judgments including Suo Moto PIL 124 of 2020, WP(PIL) 110 of 2020, WP(PIL) No.101 of 2020, WP(PIL) 177 of 2019, WP(PIL) 183 of 2019 and WP No.8185 of 2020, they posted abusive, life threatening and intimidating postings against the Hon'ble Judges in social media as furnished in the enclosures, they also fabricated material with abusive, hatred and contemptuous contents and to cause incitement, disaffection and ill-will against the Hon'ble High Court and Hon'ble Judges. A video footage of Sakshi news reveal that Mr. Nandigam Suresh in his live speech from YCP Office, Tadepalli, attributed motive to the High Court that Mr. Chandrababu Naidu is managing the High Court, he also stated that how Mr. Chandrababu Naidu came to know the verdict prior to half an hour or 10 minutes of its pronouncement and he shall be enquired. Mr. Chandu Reddy tweeted that "total how many judges are there in High Court, all those will be cut into pieces" and also tweeted that "Everyone shall be cut into pieces. All the Judges shall be kept in a room and a Corona Patient shall be left with them." and Mr.Kishore Reddy Darisa in a facebook message stated that "All the High Court Judges are Bastards, they are good for nothing except for sleeping with their wives. Let them arrest me and order for CBI enquiry", further, there are identical and other abusive and intimidating messages on the social media. All these appear there is larger conspiracy against the Hon'ble Judges.

The contents in the Video Clippings/Postings also amount to contempt for trying to scandalize and lower the image of the Hon'ble Court and Hon'ble Judges.

I submit that the Registrar General also lodged reports on 16-04-2020 and 17-04-2020 for posting abusive and intimidatory material against Hon'ble Sri Justice M.Satyanarayana Murthy.

I am directed, to request you to register a case as per law, investigate into the matter, trace the culprits to punish them as per law, apprehend the culprits, cause removal of the abusive and other intimidating/offensive postings in the social media such as Twitter, Facebook, Youtube etc. and inform the full particulars of Culprits and progress of the investigation at appropriate stages to examine and proceed as per law including to examine for initiating contempt proceedings as per law.

I am herewith enclosing the Videos and Clippings/Postings along with emails, which were received by the Registry.

Yours Sincerely,
Sd/
Registrar General

Copy to:

1. The Director General of AP, Police Headquarters, Mangalagiri, Guntur District,
2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi,
3. The Prl. Secretary (Home), AP Secretariat, Nelapadu, Amaravati,
4. The Addl. Director General of Police, CID, Cyber Crimes, Hyderabad."

5. On 22.05.2020, different Benches of this Court had passed different orders in *Suo Moto* PIL 124 of 2020, WP(PIL) 110 of 2020, WP(PIL) No.101 of 2020, WP(PIL) 177 of 2019, WP(PIL) 183 of 2019 and WP No.8185 of 2020, which were passed against the orders and actions of the State Government and its functionaries. Immediately thereafter, the social media was flooded with objectionable posts. Even the persons occupying high position went to the media and gave interviews against the High Court and its Judges, that too, from the party office belonging to a political party, which is in power. Accordingly, this was the reason for filing written report/complaint by the Registrar General for registering FIR.

6. In the present writ petition, earlier on notice, almost all the respondents had entered appearance and on behalf of most of the private respondents, which includes Twitter, Facebook, Instagram, Whatsapp, Google, Youtube etc., interlocutory applications were filed for their deletion on some grounds. While those petitions were pending, one another interlocutory application was filed on behalf of the petitioner, which was numbered as I.A.No.20 of 2020. The petitioner also sought for amendment of pleadings/averments raised in the interlocutory application by incorporating paragraphs 8 (A) to 8(I), which are as follows:

8A. It is submitted that pursuant to the filing of the present Writ Petition, the then Registrar General, High Court of Andhra Pradesh after the registration of Crime Nos.16 and 17 of 2020, had sent another Complaint dated 24.05.2020 to the 5th Respondent regarding the abusive, life threatening and intimidating postings in Social Media against the Hon'ble Judges. It was stated that the postings were made to bring hatred, contempt, incite, disaffection and ill-will against the High Court and Hon'ble Judges. Copy of the complaint is filed herewith.

8B. It is submitted that the contents of the said complaint dated 24.05.2020 lodged by the then Registrar General, High Court of Andhra Pradesh in brief are as follows:

(i) Various emails were received on the official email account and mobile of the Registrar regarding the postings and videos in the social networking media and the material revealed the names of several persons, in their interviews/speeches/postings attributed motives, caste and corrupt allegations to some of the Hon'ble Supreme Court Judges, Hon'ble High Court and the Hon'ble High Court Judges in delivering orders/judgments including in Suo Moto PIL 124 of 2020, WP(PIL) 110 of 2020, WP(PIL) 101 of 2020, WP(PIL) 177 of 2019, WP(PIL) 183 of 2019 and WP No.8185 of 2020, they posted abusive, life threatening and intimidating postings against the Hon'ble Judges in social media.

(ii) They have further fabricated material with abusive, hatred and contemptuous contents and to cause incitement, disaffection and ill will against the Hon'ble Court and Hon'ble Judges.

(iii) A video footage of Sakshi news reveal that Mr. Nandigama Suresh in his live speech from YSRCP Office, Tadepalli, attributed motive to the High Court that Mr. Chandrababu Naidu is managing the High Court, he also stated that how Mr.Chandrababu Naidu came to know the verdict prior to half an hour or 10 minutes of its pronouncement and shall be enquired.

(iv) One Mr.Chandu Reddy said that "Total how many judges are there in High Court, all these will be cut into pieces and also tweeted that "Everyone shall be cut into pieces. All the Judges shall be kept in a room and a Corona Patient shall be left with them."

8C. It is submitted that the 5th respondent after receipt of the above complaint has registered Crime Nos.9, 10, 11, 12, 26, 27, 28, 29, 30 and 31 of 2020 on various dates. However, no proper action as mandated under Code of Criminal Procedure has been taken against the Accused till date by the Respondent Nos.4 to 6. The inaction against those miscreants who chose to attack the Judiciary and are treating the Constitutional Institution as vulnerable and defenseless.

8D. The writ petitioner reserves the right to file a detailed rejoinder to the Counter Affidavits filed by the Respondent Nos.4 to 6, but nevertheless, it is respectfully submitted that the Respondent Nos.4 to 6 are absolutely lackadaisical, casual and averse to act promptly and swiftly against those social media users/posters/tweeters who are taking pride in attacking the Judiciary and who are visible on every day basis for the prosecution to take notice. It is further submitted that a prominent politician issued a statement that the social media users affiliated to his political party will be protected; statements and support of this nature seems to be embolden the social media users who are taking fancy to launch scathing attack against the Judiciary at personal level, which is causing severe distress and insecure feeling & fear to the family members of the Judiciary.

8E. It is submitted that causing further distress to the Hon'ble High Court Judges and the Judiciary fraternity, certain key personnel of the current dispensation of the State of Andhra Pradesh, had passed deplorable and painful comments on the functioning of the Hon'ble High Court of AP and judgments delivered. Such comments from the key personnel who are occupying posts of prominences, authoritative and constitutional in nature, in the State of A.P., targeting the Hon'ble Judges had severely affected the reputation of Judiciary as an independent institution. The relevant documents are filed for perusal.

8F. It is submitted that the above comments made were widely published in the print, electronic and social media and there which has seriously affected the independence, sanctity and reverence of the Constitutional identity of this Hon'ble Court. Such uncalled and unnecessary statements by a person holding a constitutional post has tended support to the people who were personally targeting the judges by making abusive and threatening comments.

8G. It is submitted that to aggravate the prevailing attack on the Hon'ble High Court and the Hon'ble Judges, Member of Parliament (Rajya Sabha) and General Secretary of Yuva Jana Samika Rythu Congress Party made comments on 19.09.2020 against the Judicial Officer, that too, paved

during the course of dispensation of justice and which can be tested before an Appellate Court. Thus, it appears that a concerted effort has been made to malign the institution, having larger conspiracy. The police is also in their control, and are not taking adequate action as required.

8H. in fact, on the contrary, to elaborate further, it is respectfully submitted that whenever comments made against the current Government functionaries several cases have been registered even basing on the complaints of unrelated persons and the Police/Investigating Agencies promptly arrested such accused persons in some cases and the Investigating Agencies have been evincing interest in proceeding with only those matters. The details of some of the cases which are registered against the said persons are as follows:

Sl. No.		Date of Registration	Section of Law	Nature of accusation	Complaint lodged by	Date of arrest	Date of issuance of Section 41-A notice
1.		07.07.2019	506 IPC 66-A ITA	Offensive posts and messages against Hon'ble AP CM through Facebook Messenger	B.Narasimha Reddy	NA	
2.		22.08.2019	153, 505(2) IPC	Hakeem Mohammed posted in vulgar language in his Facebook account which are against to Hon'ble APCM, AP Civil Supply Minister Sri Kodati Venkateswara Rao @ Nani and 150 AP MLA members	Baig Karimulla		
3.		30.08.2019	153A, 505(2) r/w 34 IPC, 67 ITA	Uploaded Whatsapp video in rustic language abusing Hon'ble AP CM	Subramanyam R	NA	
4.		14.12.2019	509 IPC, 67 ITA	Abusive messages which are against to YSRCP MLA Smt. Vidadala Rajani on Facebook	Maruboyina Nagaraju	15-12-2019	
5.		28.12.2019	153 A, 504, 506 IPC	Provoking and derogatory comments insulting Hon'ble AP CM in a video in Social Media	Uddaraju Purushothama Varma	NA	
6.	29.04.2020	29.04.2020	505(2), 506, 188 IPC & Section 54 of DMA	Offensive and fabricated audio clip in a News channel, stating the state is unsafe during Corona, against Hon'ble AP CM and later being circulated on Social Media sites	Prathuri Jagadeesh	30/04/2020	
7.	18/05/2020	18.05.2020	505(2), 153 A, 188, 120-B r/w 34 IPC & 67 ITA	Defamatory post alleging the Government's steps regarding the L.G. Polymers gas leakage issue insulting the Government and Hon'ble AP CM is being circulated in Facebook	Mekala Venkateswara Rao		
8.	19.5.2020	19.5.2020	188, 505 IPC, 67 ITA, 54 DMA	Vulgar comments against Government's COVID-19 preventive measures in Social Media with morphed photos and videos against to AP Government Health Department and Police Department	Chunduri Ramesh Babu		
9	20.05.2020	20.05.2020	143 A, 505 (1) IPC 67 ITA	Accused published a insulting photo of Irrigation Minister Dr.P.Anil Kumar Yadav through his Facebook account and caused annoyance to public tranquility	Balakrishna Reddy Sandireddy	23.05.2020	
10.	14.7.2020	14.7.2020	153.A, 507, 205 IPC	Posted defamatory and abusive comments against Hon'ble AP CM and TTD Chairman on Facebook	Pappala Grest Aruna Sastri		
11		20.08.2020	153 A, 505(2), 295-A IPC r/w 120-B IPC	Fake and defamatory posts in Facebook and Whatsapp which are against to M.P. G.V.L.Narasimha Rao	Kanaparthi Girija Srinivas		

8I. Thus, the Judiciary requires protection, and the following are the reasons that show the need of broader protection of the Judiciary against the unfair and unwarranted criticism from Media and Public review:

1. Abusive criticism undermines public confidence in the legal system and administration of justice.
2. Shielding judges from criticism serves an important public interest of protection of judicial independence.
3. Protective standards ensure a smooth administration of justice.
4. It is known fact that judges by the nature of their work cannot defend themselves since they are barred from replying to their criticism. In other words, “judges can’t fight back’.
5. Constitutional maturity has now secured judges’ place in the society and accordingly specific protection to judges is viewed as patronizing to a highly professional and well trained group of public officials.”

7. However, on 06.10.2020, when the interlocutory application, i.e., I.A.No.20 of 2020 was taken up, since the petitioner wanted some direction for proper investigation into the case and also the cases registered after filing of the writ petition, this Court opined that presently there was no need to pass a specific direction or ask the private respondents to file their response on the subject in issue. Hearing in the case was deferred on the request of the learned Advocate General.

8. In the case, one another interlocutory application, vide I.A.No.19 of 2020, was filed by one of the private persons to be impleaded as respondent No.27 in the present writ petition since the intervener petitioner wanted to bring some more facts on record in support of the allegations made in the writ petition. On 08.10.2020, when the aforesaid writ petition was taken up, after considering the arguments advanced by *Sri Unnam Muralidhar Rao*, learned counsel assisted by *Sri Unnam Sravan Kumar*, learned counsel for the implead petitioner, this Court was not inclined to allow the implead petitioner to be added as respondent and implead petition was disposed of observing therein that ***‘it goes without saying that if the petitioner is having sufficient material, he would be at liberty to render proper assistance to the investigating agency. The investigating agency is also required to***

approach the implead petitioner for complete and better investigation into the matter’.

9. On amendment petition, i.e., on I.A.No.20 of 2020, since the learned Advocate General had not raised any objection, and otherwise also by filing interlocutory application, the petitioner wanted to bring on record some new facts, this Court directed to treat the interlocutory application, I.A.No.20 of 2020, as part of the writ petition. Thereafter, we heard *Sri N.Ashwini Kumar*, learned counsel for the petitioner, *Sri S.Niranjan Reddy*, learned senior counsel appearing on behalf of respondents 4 to 6 and the learned Advocate General, particularly on the point as to whether the investigation in issue may be entrusted to any other agency, particularly, an agency well equipped and having number of branches in India. This Court recorded submissions of *Sri S. Sriram*, learned Advocate General, which is quoted herein below:

“Having regard to the submissions made by the petitioner and having regard to the course of submissions made; in the interests of comprehensive, effective and in-depth investigation, which is possible at the hands of an Agency, which has multiple branches and better resources without any adversarial adjudication of respective contentions, if this Hon’ble Court is of the view that the matter would be entrusted to any Agency, the State would not have any objection to have the same investigated.

The State would not do anything to give an impression that it wanted to hamper the investigation.”

10. Learned Advocate General, though agreed for entrustment of investigation to other investigating agency, has raised serious objection on the submissions made by the learned counsel for the petitioner, particularly, to the point where he had referred certain documents to show the statements made by the Hon’ble Speaker, Hon’ble Deputy Chief Minister and Hon’ble Member of Parliament (Rajya Sabha) on the ground that they were not arrayed as parties in the writ petition nor those facts have been corroborated. He further

submitted that there were many discrepancies in the translated version of the documents referred hereinabove.

11. Be that as it may, it is clarified that this Court has not gone into the merit of the case and has refrained to record any finding/observations against either of the parties, which include private parties.

12. *Sri S.Niranjana Reddy*, learned senior counsel appearing on behalf of respondents 4 to 6/CID, had also consented for entrustment of the investigation to any other independent investigating agency having more resources and branches at different places.

13. *Sri N.Ashwini Kumar*, learned counsel for the petitioner, submitted that the CID is taking an entirely different stand in cases related to attack made on the High Court and its Judges; and, in case of any such comment made against the Government. By way of referring to paragraph 8H mentioned hereinabove, he highlighted that in cases of offensive posts against the Government and complaints filed by any one those were registered as FIR on the same date; and, in some cases immediately accused persons were also arrested. But in case of offensive posts against the Judiciary, respondents 4 to 6 (CID) are casual and lackadaisical. He tried to persuade the Court that the aforesaid conduct of the CID makes it clear that they are not proceeding with the investigation in an impartial manner.

14. *Sri N.Ashwini Kumar*, learned counsel for the petitioner, has taken the Court to running page Nos.28 and 33, i.e., copies of complaints, dated 16.04.2020, and 17.04.2020, under the signature of the Registrar General addressed to the Superintendent of Police, Cyber Crimes-CID. He highlighted that on the said complaints, two FIRs *vide* Crime No.16 of 2020 was registered on 16.04.2020 under Sections 505(2) and 506 of IPC against three accused persons, namely, Mr.Kondareddy Dhamireddy, Mr. Mani Annapureddy and

Mr.Sudheer Pamula. Similarly, Crime No.17 of 2020 was registered on 18.04.2020 against four accused persons, namely, (i) Pattapu Adarsh; (ii) Mani Annapureddy; (iii) Abhishek Reddy; and, (iv) Siva Reddy, under the same provisions. He tried to persuade the Court that though on the complaint of the Registrar General/informant, FIR was registered on 16.04.2020, and on 17.4.2020, his re-statement was recorded much belatedly on 01.05.2020. He has also referred to paragraph 6 of the writ petition, which is quoted herein below:

“Since the said defamatory comments on platforms provided by Respondent Nos.10 to 18 continued unabated, the petitioner once again on 17.04.2020 registered/lodged complaint. The said complaint was received and the same was registered as FIR No.17/2020, dated 18.04.2020 for offences attracting Sections 505(2) and 506 of IPC, naming four persons as Accused. The statement of the deponent was recorded on 01.05.2020 as part of investigation, and the relevant material was submitted by the deponent to the Respondent No.6. While the petitioner was awaiting information of the progress of the investigation, since, the same concerns the image of the Judiciary, which is one of the three pillars of this democratic Nation; the Respondent No.5 vide letter dated 13.05.2020 communicates to the petitioner herein that e-notices were sent to the Nodal Officers of Respondent Nos.10 and 12, to furnish the registration particulars of the Facebook accounts of the Accused persons, to establish their identity and to access the IP logs of their respective accounts. Further, request was made as under Section 79(3) of the IT Act, 2000 to delete the incriminating posts and comments made by the accused persons and also to preserve the same as under Section 67-C of IT Act, 2000 for the purpose of investigation.”

15. *Sri N.Ashwini Kumar*, learned counsel, has taken the Court to a document, which is at running page no.46, i.e., letter, dated 13.05.2020, sent by the Superintendent of Police, Cyber Crimes, CID, to the Registrar General, and tried to persuade the Court that by the said communication, it was highlighted that the investigating official had sent notices to the Nodal Officers

of the Facebook, Instagram, Twitter International Company to furnish registration particulars of the Facebook accounts of the accused persons. However, Facebook gave a reply stating that they require formal legal process for any records that is issued from a court of competent jurisdiction and complies with the Stored Communications Act, 18 U.S.C. Accordingly, it was communicated in letter, dated 13.05.2020, that letters of request for Mutual Legal Assistance are being prepared to comply with the demands made by Facebook. He has placed the reply affidavit filed on 23.09.2020 on behalf of respondent No.9. He has specifically referred to paragraphs (8) and (11) of the affidavit filed on behalf of respondent No.9 duly sworn by Mr. Dhawal Gupta, Scientist-E/Additional Director in the Cyber Laws and E-Security Division, Ministry of Electronics and information Technology, Government of India. It would be better to reproduce paragraphs (8) and (11) of the said affidavit, which are as follows:

“8. I state that as per the above Rules, it is mandatory that a request has to be received only through the Nodal Officer of the respective State or the government department specifically designated to send a request for blocking the access of a computer resource. Nodal Officers have been specifically designated for all States and Union Territories to consider complaints received from individuals or organizations. The Nodal Officer on being satisfied that the complaint warrants a blocking action may send a request for blocking to MeitY (the answering respondent herein). Only a Nodal Officer who is authorized by the respective Government is permitted to send a request for blocking access to the information. No individual can directly request for blocking of access to any content. This legal process is mandatory to be followed in blocking websites/URLs/applications. The list of Nodal Officers specifically designated for all States and Union Territories for Section 69A of the IT Act 2000 is available on the Respondent website - www.meity.gov.in. A copy of Nodal Officers is annexed hereto and marked as Annexure B.

11. Submission of the Answering Respondent on the applicability of Section 69A to this case:

A. I submit that as per “Blocking Rules” it is mandatory that only the Nodal Officer (specifically designated for States/Union Territories) has to send the request for blocking the access of a computer resource. The Nodal Officer for the State of Andhra Pradesh is:

Smt.M.Sailaja, Special Officer,
Room No.208, A-Block, IT & C Department,
A.P. Secretariat, Hyderabad- 500 022.
Phone: 040-23456408
E mail: so portal itc@ap.gov.in
Fax: 040-23451092.

B. I respectfully submit that the answering respondent (MeitY) has not received any request from the Nodal officer of Andhra Pradesh designated under Section 69A of the IT Act for blocking the content alleged in the petition. Furthermore, the petition does not indicate any instance of a complaint being filed before the appropriate authority, i.e., the Nodal Officer of Andhra Pradesh.

C. I further submit that the specific circumstances enumerated under Section 69A primarily relate and intend “national security issues and issues that seriously affect public order in the nation only”. A bare perusal of the Section 69A reveals that ‘Defamatory or Degrading Content’ does not fall in the ambit of Section 69A. It is respectfully submitted that in the view of the answering respondent the subject litigation that pertains to defamation does not fall under Section 69A. I respectfully submit that if the Hon’ble Court is of the view that said issues fall under Section 69A that necessitates blocking then orders may be issued under Rule 10 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information for Public) Rules, 2009” which permits Court order based blocking more fully stated under para 10(D) of this affidavit, which the answering respondent will duly complied with”.

16. Sri Ashwini Kumar, learned counsel for the petitioner, by way of referring to the aforesaid facts tried to persuade the Court that the investigation by respondent No.5-CID was not proceeding in its right

perspective. He has further argued that though on third occasion, on 24.05.2020, when a written report was filed by the Registrar General, which was received in the office of Superintendent of Police, respondent No.5, on the same date, to the reasons best known to the respondent No.5, contrary to the provisions made under Section 154 of the Code of Criminal Procedure, 1973, two days thereafter, one truncated FIR was lodged *vide* Crime No.9 of 2020 under Sections 153A, 505 (2) and 506 of IPC. He tried to persuade the Court that in the written report, dated 24.05.2020, which was under the signature of the Registrar General, specifically nineteen persons were shown as accused, namely, (i) Mr. Nandigam Suresh, Member of Parliament, YSRCP; (ii) Mr. Amanchi Krishna Mohan, former MLA of YSRCP; (iii) Mr. Metta Chandra Sekhar Rao, learned Standing Counsel for A.P. State Legislative Assembly; (iv) Mr. Kalanidhi Gopala Krishna, Advocate; (v) Mr. Kishore Reddy Darisa; (vi) Mr. Chandra Reddy; (vii) Mr. G. Sridhar Reddy; (viii) Mr. Jelagam Venkata Satyanarayana; (ix) Mr. Arjun Ganji; (x) Mr. Sridhar Reddy Avuthu; (xi) Mr. Ramanjaneya Reddy; (xii) Mr. Satish Kumar; (xiii) Mrs. Gowthumi K; (xiv) Mr. Linga Reddy; (xv) Dr. Ravi Kumar; (xvi) Mr. Samir Rathod; (xvii) Mr. Seenu P; (xviii) Mr. Ramesh Gunta; and, (xix) Mr. Chiranjeevi. To the reasons best known to respondent Nos.4 and 5, one FIR was lodged on 26.05.2020 *vide* Crime No.9 of 2020 incorporating the name of only one accused in the 'accused' column of the FIR. Similarly, according to the learned counsel for the petitioner, other nine FIRs were lodged on the basis of one written report, dated 24.05.2020, filed by the Registrar General. However, the respondent/CID selectively had arrayed only few persons whose names were appearing in the written complaint, dated 24.05.2020, as accused in the FIR. He tried to persuade the Court that from the very inception the CID started to shield/save the accused persons who were influential, i.e., one Member of Parliament, Member of Legislative Assembly and one Standing Counsel for A.P. State Legislative Assembly and some other accused persons. An allegation was

made that despite registration of altogether twelve FIRs, in none of the cases, investigation proceeded in its right perspective.

17. *Sri Ashwini Kumar*, by way of referring to number of documents brought on record through I.A.No.20 of 2020, which has been directed to be treated as part of the writ petition, has argued that the attack on Judiciary is continuously increasing with impunity. He has referred to some documents of running page Nos.21 to 29 and Page No.43 of I.A.No.20 of 2020 relating to certain news items and tried to persuade the Court that even the sitting Hon'ble Speaker of Andhra Pradesh Legislative Assembly and the Hon'ble Deputy Chief Minister have also not restrained themselves in making scathing remarks against the Judiciary. He further, by way of referring to running page No.40 of the petition, has argued that one Hon'ble Member of Rajya Sabha, namely, Sri Vijayasai Reddy, has joined together in a move to make scathing remarks against the High Court.

18. By way of referring to aforesaid facts, learned counsel for the petitioner tried to persuade the Court that against the Judiciary, which is one of the main pillars of the democracy, such scathing attack is being made with impunity, which requires immediate intervention and thorough investigation; and, as such, it was prayed to entrust the investigation into the aforesaid matter to an independent investigating agency. He further submits that in view of the fact that the attack has been made by the persons occupying high positions and associated with the Government, there is no possibility of fair and independent investigation at the hands of an agency under the control of the State Government and requested to entrust the case to an independent and well equipped investigating agency like the CBI.

19. *Sri S.Niranjan Reddy*, learned senior counsel, has vehemently opposed the allegation made by the learned counsel for the petitioner. He, by way of referring to the facts disclosed in the counter affidavit as well as additional

counter affidavit, duly sworn by respondent No.5, highlighted that after receipt of the complaint, CID has immediately registered the FIR; and, as per procedure prescribed under the Code of Criminal Procedure as well as Cyber Laws, they are proceeding with the investigation. According to *Sri S. Niranjan Reddy*, learned senior counsel, the allegation of the petitioner that CID is hand in glove with the accused persons is irrelevant, having no basis, and such allegation has been made without any such appropriate pleading. However, at the time of hearing, on being asked by the Court, considering the nature of the allegations made against one of the pillars of democratic set up, i.e., Judiciary, as to what would be the difficulty if the investigation into the matter is entrusted to an agency, which has got more wider jurisdiction and having branches in different States with more manpower and more equipped than the present agency, which has got very limited resources, learned counsel for respondents have shown no objection. This Court at the time of hearing had made it clear that in view of facts and circumstances and for better and deep investigation, this Court may not take any notice of allegations which were made by the learned counsel for the petitioner. Being responsible officers of the Court, *Sri S.Niranjan Reddy*, learned senior counsel, appearing on behalf of respondent Nos.4 to 6, as well as *Sri S.Sriram*, learned Advocate General had shown appreciable gesture and all the parties had agreed for entrusting the investigation to an another investigating agency, well equipped and having number of branches. Accordingly, without going into the merit of the case or without recording any observations against either of the parties, we propose to direct to entrust all the matters to an agency, namely, Central Bureau of Investigation, which is fairly fit, having wider scope for investigation as agreed by all the parties.

20. Accordingly, this Court directs to entrust all the FIRs, namely, Crime Nos.16 of 2020; 17 of 2020; 26 of 2020; 27 of 2020; 28 of 2020; 29 of 2020; 30 of 2020; 31 of 2020; 9 of 2020; 10 of 2020; 11 of 2020; and, 12 of 2020 of Cyber

Crimes-CID, Amaravati, to the Central Bureau of Investigation through its Director. Investigation in all the aforesaid FIRs stands transferred to the Central Bureau of Investigation. The CBI, through its Director, is required to take up investigation in all the aforesaid FIRs forthwith and proceed with the same in accordance with law.

21. The Registry is directed to handover the entire material including writ petition, I.A.No.20 of 2020, with entire enclosures, which includes counter affidavits and other relevant documents as certified to be true copies of them, to the CBI as and when approached. It goes without saying that on examination of materials available on record, if other materials disclose cognizable offences, it would be necessary for the CBI to register more FIRs, investigate and bring the same to its logical end. While conducting investigation, it would be necessary to examine as to whether such attacks on Judiciary were made as a result of larger conspiracy or not. If it is noticed that it was due to the result of larger conspiracy, the CBI is required to take appropriate action against such culprits irrespective of the post and position. It goes without saying that the CBI immediately after taking up investigation may take steps so that all the defamatory posts available on social media, i.e., private respondents, may be struck down and may also take steps to block such users in accordance with law. The Registry is directed to forthwith communicate a copy of this order to the Director, Central Bureau of Investigation, New Delhi.

22. The CBI is further directed to submit its report in sealed cover to this Court within eight weeks from the date of receipt of a copy of this order.

23. The Government of Andhra Pradesh, through its Chief Secretary as well as the Director General of Police, are directed to ensure full cooperation and assistance and provide all logistic support, if asked by the CBI.

24. Put up the matter on 14.12.2020.

Rakesh Kumar, J

J. Uma Devi, J

Dt.12.10.2020
RAR