

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

Wednesday, the 20th day of December 2023 / 29th Agrahayana, 1945
WP(C) NO. 34989 OF 2023 (W)

PETITIONER:

MRS. SINDHU SURYAKUMAR, AGED 49 YEARS, W/O G. VINOD, EXECUTIVE EDITOR, ASIANET NEWS NETWORK PVT LTD., BENSHE TOWERS, HOUSING BOARD JUNCTION, THIRUVANANTHAPURAM RESIDING AT NIVEDIYAM, PRA C 123, SREE CHITRA QUARTER LANE, KUMARAPURAM, THIRUVANANTHAPURAM-11, PIN - 695001

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY HOME SECRETARY HOME DEPARTMENT, GOVERNMENT SECRETARIAT TRIVANDRUM, PIN - 695001
2. STATE POLICE CHIEF, POLICE HEADQUATERS, TRIVANDRUM, PIN - 695010
3. DIRECTOR GENERAL OF POLICE, POLICE HEADQUATERS, TRIVANDRUM , PIN - 695010
4. META PLATFORMS, INC.(FACEBOOK- INDIA), UNIT 28 AND 29, THE EXECUTIVE CENTRE, LEVEL 18, DLF CYBER CITY, BUILDING NO. 5, TOWER A, PHASE III, GURGAON, INDIA, PIN - 122002
5. ADDL.R5. SUDEEP S S/O K.R SADASIVAN,49B MRRA, EDAPALLY MANIMALA ROAD ERNAKUALM-682 024 [ADDL.R5 IS IMPEADED VIDE ORDER DATED 24.11.2023 IN I.A.1/2023 IN WP(C)34989/2023].

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the Respondents to remove Exhibit-P1 Facebook Post by Shri Sudeep accessible through the url Id https://m.facebook.com/story.php?story_fbid=pfbid02wbqMm9eWipXXJVhGux79onMoQgx1hXzQrKcfGcMthYtRoKLLbeRJ7QZbp8EMj5Wbl&id=100072075932681&sfnsn=wiwspwa&mibextid=RUBZ1f from any and all social media platforms including Facebook, YouTube, Instagram and other online social network services of Shri Sudeep pending disposal of the Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 06.12.2023 and upon hearing the arguments of M/S.V.V.NANDAGOPAL NAMBIAR, PREEJA. P.VIJAYAN, SMITHA (EZHUPUNNA) & CHITRA JOHNSON, Advocates for the petitioner, GOVERNMENT PLEADER for R1 to R3, SRI.TEJAS KARIA, Advocate for R4, the court passed the following:

MOHAMMED NIAS C.P, J.

W.P(C) No.34989 of 2023

Dated this the 20th day of December, 2023

ORDER

The learned counsel appearing for the 4th respondent submits that the 4th respondent has actioned the Facebook Post in India pursuant to the order of this Court. Their contentions regarding the court's power to direct the intermediaries to block the content globally, can be considered later.

2. Today, the learned counsel appearing for the 5th respondent submits that he is not in a position to remove the post as he has no access to the post, in view of the above developments. Learned counsel for the 4th respondent submits that he may be granted a week's time to permit access to the 5th respondent to enable him to remove the offending post.

3. Accordingly, a week's time is granted to the 4th respondent to permit access to the 5th respondent, so as to

enable him to remove the post in question. The learned counsel for the 4th respondent shall intimate the learned counsel for the 5th respondent, who in turn will intimate the 5th respondent to remove the post in question, once access is given by the 4th respondent. It is made clear that the said act of removal of the post by the 5th respondent, on the directions of this Court, shall not in any manner prejudice any of his contentions in the criminal prosecution.

Post the case on 05.01.2024 for compliance.

Sd/-

MOHAMMED NIAS C.P

smm

JUDGE