

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5400/2023 and CM APPL. 21149/2023**

SK

..... Petitioner

Through: Mr. Prashant Diwan & Ms. Kushika
Chachra, Advocates (M-
9560093153)

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ravi prakash (CGSC), Mr.
Ankit Verma, Mr. Farman Ali, Ms.
Astu Khandelwal. Ms. Usha Jamnal
& Mr. Yasharth Shukla, Advocates
for R-1. (M:9469448888)
Ms. Mamta Rani Jha, Mr. Rohan
Ahuja, Ms. Shruttima Ehersa, Mr.
Vatsalya Vishal & Ms. Amishi
Sodani, Advocate for R-2. (M:
7046687173)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **29.05.2023**

1. This hearing has been done through hybrid mode.
2. The Petitioner has approached this Court seeking masking of his name in the judgment dated 4th July, 2018 of the Court of the Id. ASJ, North, Rohini Courts, titled '*State v. SK*'.
3. The case of the Petitioner is that he is 29 years of age and an FIR came to be registered against him under Section 376/506 of the Indian Penal Code, 1860 bearing No. 127/2016. Though the chargesheet was filed, in the said case, the Petitioner was acquitted of all charges. The judgment of acquittal is on record. As per the said judgment, the prosecutrix's testimony

was held to be not trustworthy and reliable and was also held to be not corroborated on material points with the testimony of other prosecution witnesses. The Petitioner was, accordingly, acquitted of all charges.

4. The case of the Petitioner, further, is that he has currently been made to suffer immensely due to the existence of the said judgment on the internet. Even a mere search on the web reflects the name of the Petitioner. According to him, the same is also affecting his personal life and family life.

5. Heard. A perusal of the judgment would show that no case was made out against the Petitioner beyond reasonable doubt. In fact, the Court has held the testimony of the prosecutrix as being not trustworthy. The relevant portion of the judgement acquitting the Petitioner is set out below:

“51. Since, the testimony of prosecutrix is not trust-worthy and reliable and is not corroborated on material points with the testimony of other Pws and she also improved her testimony coupled with the facts that there are infirmities in the prosecution case and there is nothing on record to connect the accused with the commission of offence, I am of the considered view that prosecution has miserably failed to bring home the guilt of the accused beyond reasonable doubt.

52. Accordingly, accused Shobhit Kohli is acquitted of the offences, he was charged with. His personal bond and surety bond are hereby cancelled. His surety is discharged.”

6. Accordingly, under such circumstances, since the judgment is openly available on the Indian Kanoon website and is also accessible through any web search including Google Search, till the next date of hearing it is directed that the name of the Petitioner shall be masked on the Indian

Kanoon portal. In effect, therefore, if the said judgment becomes visible in a search result or google search, the name would also not be visible.

7. Accordingly, it is directed that the Indian Kanoon may mask the name of the Petitioner from the judgment within a week. Let a copy of this order be sent to the email ID: webmaster@indiankanoon.com to remove/mask the name of the Petitioner on the following link:

<https://indiankanoon.org/doc/162755898/>

8. The Respondent No.3 shall also place on record an affidavit stating the policy in respect of the right to be forgotten as also as to the policy in respect of masking of names in such cases including in judgments of this Court as also in orders/ decisions passed by the Trial Courts.

9. Let the counter affidavits by all the Respondents be filed within six weeks. Rejoinder, thereto, to file within four weeks.

10. List Before Registrar on 31st August, 2023.

11. List before Court along with the connected matters on 5th October, 2023.

12. Order *Dasti*.

PRATHIBA M. SINGH, J.

MAY 29, 2023

dj/am