

VERDICTUM.IN

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ITEM NO.46

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).16225/2024

[Arising out of impugned final judgment and order dated 16-10-2024 in CRWP No. 1920/2021 passed by the High Court of Judicature at Bombay]

BAL MAHARAJ ALIAS SANTOSH DATTATRAY KOLI

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No.269036/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.269037/2024-EXEMPTION FROM FILING O.T.)

Date : 05-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Sunil Fernandes, Sr. Adv.
Mr. Ajay Bhise, Adv.
Ms. Deepali Kedar, Adv.
Ms. Diksha Dadu, Adv.
Ms. Nupur Kumar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Sunil Fernandes, learned Senior Counsel appearing for the petitioner.

2. This case relates to complaint under Section 153A and 295A read with Section 504 and 505 of the IPC and is relatable to exchanges in the WhatsApp group. In this context, the counsel relies on *Pradmod Suryabhan Pawar vs. State of Maharashtra and Another* reported in (2019) 9 SCC 608, where the Court in respect of

WhatsApp messages opined as under:-

"23. Without entering into a detailed analysis of the content of the WhatsApp messages sent by the appellant and the words alleged to have been spoken, it is apparent that none of the offences set out above are made out. The messages were not in public view, no assault occurred, nor was the appellant in such a position so as to dominate the will of the complainant. Therefore, even if the allegations set out by the complainant with respect to the WhatsApp messages and words uttered are accepted on their face, no offence is made out under the SC/ST Act (as it then stood). The allegations on the face of the FIR do not hence establish the commission of the offences alleged."

3. The counsel also argues that how far the exchanges in WhatsApp attracts the sections registered in the FIR.

4. Issue notice, returnable in four weeks.

5. In the meantime, further proceedings *qua* the petitioner in connection with FIR NO.332/2020, are stayed.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR