

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K. BABU

Monday, the 27th day of May 2024 / 6th Jyaishta, 1946

IA.NO.5/2024 IN WP(CRL.) NO. 445 OF 2022(S)

APPLICANTS/RESPONDENTS 1 TO 6:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM - 695 001.
2. SECRETARY TO GOVERNMENT, HOME DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM - 695 501.
3. DIRECTOR GENERAL OF POLICE, KERALA, POLICE HEAD QUARTERS, TRIVANDRUM - 695 010.
4. ADDITIONAL DIRECTOR GENERAL OF POLICE(CRIMES), POLICE HEAD QUARTERS, TRIVANDRUM - 695 010.
5. INVESTIGATING OFFICER, DEPUTY SUPERINTENDENT OF POLICE, CRIME BRANCH, ALAPPUZHA - 688 012.
6. STATE FORENSIC SCIENCE LABORATORY, REPRESENTED BY ITS DIRECTOR, THIRUVANANTHAPURAM - 695 011.

RESPONDENTS/PETITIONER & RESPONDENT NO.7:

1. XXXX
2. P. GOPALAKRISHNAN @ DILEEP, PADMA SAROVARAM HOUSE, KOTTARAKADAVU, ALUVA, ERNAKULAM DISTRICT.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to to direct the registry of this Hon'ble Court to issue appropriate circular directing all the Courts in the District Judiciary to scrupulously follow the directions contained in paragraph 67 of the judgement in WP(CrL)No. 445 of 2022.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, this Court's judgment dated 07.12.2023, order dated 22/05/2024 in IA 5/2024 and upon hearing the arguments of SRI. T.A. SHAJI, DIRECTOR GENERAL OF PROSECUTION & SRI.P. NARAYANAN, ADDITIONAL PUBLIC PROSECUTOR for the applicants in IA/R1 to R5 in WP(CrL.), M/S.T.B.MINI, GAURAV AGRAWAL & C.GEORGE THOMAS, Advocates for the R1 in IA/1st petitioner in WP(CrL.) and of SRI.B.RAMAN PILLAI (SENIOR ADVOCATE) along with M/S. PHILIP T.VARGHESE, THOMAS T.VARGHESE, ACHU SUBHA ABRAHAM, V.T.LITHA, K.R.MONISHA & NITYA R, Advocates for R2 in IA/Addl.R7 WP(CrL.), the court passed the following:

P.T.O.

K.BABU, J.

I.A No.5 of 2024 in W.P(Crl). No.445 of 2022

Dated this the 27th day of May, 2024

ORDER

On 22.05.2024, this Court passed the following order:

“This Court as per judgment dated 07.12.2023 issued certain guidelines regarding the handling of sexually explicit materials.

2. The Registrar (District Judiciary) shall submit a report on the steps taken to comply with the guidelines.

3. The Director General of Prosecution shall also get a report from the authorities concerned regarding the steps taken by the Government.

Post on 27.05.2024.”

2. The Registrar (District Judiciary) submitted a report stating that the judgment was communicated to the Chief Secretary, Government of Kerala, the State Police Chief and all the District Judges. The relevant portion of the report submitted by the Registrar (District Judiciary) reads thus:

“2. It is further submitted that the Administrative Committee in its meeting dated 20.04.2024 directed that a file to be initiated for framing detailed guidelines for regulating the conduct of Judicial Officers while dealing with electronic and other records involving confidential/objectionable items, in line with the judicial directions made by the High Court in the writ petition. On account of the same, a file DI-1/53179/2024 has been initiated on the Administrative side of the High Court. When the matter was placed before the Honourable the Chief Justice, His Lordship, on 22/05/2024, directed to place the matter before the Administrative Committee of

the High Court to consider whether:

(a) the guidelines in the case of handling of electronic records containing sexually explicit materials in the judicial directions made by the High Court in judgment dated 07/12/2023 in W.P(Crl) No.445 of 2022 (2023 KHC OnLine 834) can be adopted with respect to electronic and other records involving confidential/objectionable items also;

(b) the aforesaid guidelines need to be made applicable to the High Court as well;

(c) an Official Memorandum/Circular needs to be issued directing all Courts in the District Judiciary to strictly follow the aforesaid Guidelines emphasising on the measures to be taken by the Courts in handling electronic records containing Sexually Explicit/confidential/objectionable materials along with a format for the **Register** prescribed in the above judgment;

(d) the matter needs to be referred to the Rule Committee constituted under Section 123 of the Code of Civil Procedure, 1908 to examine the necessity of framing new Rules/amendment to existing Rules to give effect to the said Guidelines.

3. Pursuant to the directions of the Honourable the Chief Justice, inputs in the matter were also obtained from the IT Section, High Court. The draft **Rules for the Reception, Retrieval, Authentication and Preservation of Electronic Records** and additional infrastructure requirements for implementation of the same prepared by the Directorate of (IT) with the assistance of Dr.John Varghese, Deputy Director, Kerala Judicial Academy is also being placed before the Administrative Committee for its consideration.

4. Prompt action will be taken in the matter on getting order from the Administrative Committee."

3. The learned Director General of Prosecution submitted that the Government have taken all measures to comply with the guidelines issued. It is further submitted that specific directions

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were issued to ensure strict compliance of the guidelines.

4. Recording the above submissions, the Interlocutory
Application is closed.

W.P(Crl)

Avoid. Post as per Roster on 28.05.2024.

KAS



Sd/-
K.BABU,
JUDGE