

Court No. - 1

Case :- CRIMINAL MISC. WRIT PETITION No. - 6265 of 2024

Petitioner :- Yasar Shah

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Of Home Lko And Others

Counsel for Petitioner :- Nadeem Murtaza, Harsh Vardhan Kediya, Suryansh Singh Suryavanshi

Counsel for Respondent :- G.A.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Subhash Vidyarthi, J.

1. Counter affidavit filed by the learned Standing Counsel is taken on record.
2. Heard learned counsel for the petitioner and Shri S. P. Singh, learned counsel, who has put in appearance on behalf of the State.
3. Nothing has been brought to our notice as on date which may prima facie indicate involvement of the present petitioner in so far as the offences alleged in the FIR are concerned.
4. The role of the petitioner is restricted to a tweet of which the improper language which was taken note of in the previous order may be objectionable but we cannot outline the contours of Article 19(1)(a) of the Constitution of India which equally embodies a fundamental right of Freedom of Expression.
5. Embarking on such an issue to define its limits would again be going too far in exercise of the power of judicial review particularly, when the moralities cannot be enforced through a writ. We, therefore, confining the questions limited to the alleged offences mentioned in the FIR are of the considered opinion that as on date nothing has emerged indicating the complicity of the present petitioner in the commission of offences mentioned in the FIR.
6. Therefore, without obstructing the course of investigation and as an interim measure, we provide that subject to the co-operation of the present petitioner required, if any, he may not be arrested in pursuance of the FIR under challenge. We, however, caution the petitioner to be careful in future for uploading any material on the digital media which has an intent of casting aspersion on any constitutional or highly placed official in an objectionable language.

7. Rejoinder affidavit, if any, may be filed within a period of two weeks.

8. List thereafter.

Order Date :- 4.9.2024

-Amit K-