

In The Court Of Judicial Magistrate-I, Varanasi

Case No. 122 /2020

Saurabh Tiwari Vs. Kunal Kamra.

U/S- 156(3) of CRPC, 1973

P.S. Lanka, Varanasi

23.12.2020

Matter taken up. Ld. applicant counsel present and argued for order on application U/S 156(3) Cr.P.C moved by him. Above application is supported with affidavit. Applicant counsel has stated that proposed accused Kunal Kamra stand-up comedian through his verified twitter handle @ Kunalkamra 88 dated 11.11.2020 at 14:19 PM has published a morphed photo of Indian National Flag. Proposed accused acted willingly and deliberately intention to insult the Indian national Flag. Further stated that he published a edited/ morphed photograph of Hon'ble Supreme Court building in which instead of Indian National Flag, a flag of one national Political party (BJP) is seen hoisted. He also published several controversial remark against Hon'ble Supreme Court and personal comment against Hon'ble Justice D. Y. Chandrachud on his twitter handle which constitute separate offence of Contempt of Court. Applicant counsel argued that he has got consent of Hon'ble Attorney General of India to approach the Hon'ble Supreme Court by appropriate application in the matter. Proposed accused act hurt the feeling of the people of this country and cause contempt and disrepute to the Indian National Flag. He further stated that no action were taken by the local police on his complaint and he also sent written complaint to the SSP of Varanasi by speed post. He prayed for registration of FIR in the matter. He has filed screen shot of the tweet, letter of Hon'ble Attorney General of India to the complainant copy

+

of receipt of speed post sent to SSP, Varanasi in his support. He also relied on case law Sakiri Basu Vs. State of U.P and others, AIR 2008 SC 907.

According to police report no FIR has been registered in the matter.

Heard and perused all records on file. Respectfully perused the case law cited by applicant counsel. After taking into consideration of the whole facts and circumstances of the case this Court is of the view that alleged offence does not appear to have been committed within the jurisdiction of this Court. In such circumstances above application U/s 156(3) Cr.P.C. deserves to be dismissed.

ORDER

Application U/S 156(3) CRPC is hereby dismissed. File be consigned as per law.

Date: 23.12.2020


**(Diwakar Kumar)
judicial Magistrate-I,
Varanasi.**