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SC No.5/2019
CNR No. DLCT11-000512-2019
State v Dr. Shashi Tharoor

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927-11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

25.9.2020 **(Proceeding through VC on CISCO WEBEX)**

Present: Sh. Atul Srivastava, Learned APP for the State with
Sh. V. K. P. S. Yadav, ACP, Crime Branch, SIT Member.
Dr. Shashi Tharoor through VC with Sh. Vikas Pahwa, Ld.
Sr. Advocate with learned counsels Sh. Gaurav Gupta, Sh.
Swastik Dalai, Sh. Sumer Boparai, Sh. Syed Arham Masud,
Sh. Varun Bhati and Ms. Ruchika Wadhawan..

An application was moved by the accused/applicant seeking directions to the police to take initiative/appropriate steps for preserving Twitter account/Tweets of deceased Ms. Sunanda Pushkar Tharoor. This application was listed today for consideration.

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I have heard the submissions of Sh. Vikash Pahwa, learned senior advocate for the accused/applicant and Sh. Atul Srivastava, learned APP for the State assisted by Sh. V.K.P.S. Yadav, Crime Branch, SIT Member, IO of the case.

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It is stated in the application that vide order dated 30.01.2020, this court had dismissed the application of the accused/applicant under section 91 Cr.PC for summoning the Twitter Time Line/Tweets of the deceased stating at the same time that the accused/applicant was at liberty to place on record the Twitters Time Line/Tweets of the deceased at the appropriate stage.

It is further submitted that the Twitter has its own policy for inactive user/deceased user. In case of 'deceased user' a person authorized to act on behalf of the estate or a verified immediate family member of the deceased can make a request to get the account of the deceased person on the Twitter, de-activated.

It is further submitted that 'Inactive account policy' of Twitter provides that the account should be logged-in once in every six months, otherwise, the prolonged inactivity can lead to removal of the account.

It is submitted further that the deceased had died on 17.01.2014 and her Twitter account is inactive since then. Therefore, as per the policy, Twitter can remove the account. It is submitted that the Twitter Time Line and Tweets of the deceased is of utmost importance in the case in hand. Therefore, a direction may be given to the police to take appropriate steps for their preservation.

A reply to this application was filed in which it was stated that during the course of investigation, a request was sent to Twitter Inc., USA through the official email on 19.01.2015 to preserve the data of the Tweeter account i.e. @shashitharoor and @sptvrock. In response to the said email, the Twitter Inc. had informed vide email dated 24.01.2015, that information available pertaining to these accounts has been preserved.

Learned senior advocate for the accused/applicant has

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submitted that an assurance is required from the IO that the account is in fact preserved by the Twitter Inc. He stated that the letters referred to in the reply is of 2015. Therefore, an assurance is required from the IO that the records are still preserved. The IO has stated that they have received letter from the Twitter Inc. wherein the Twitter had confirmed that available information has been preserved by them.

I have gone through page-967 to 969 in Folder "B" annexed with the Charge-sheet. The email sent by I/C Technical Surveillance Unit, South District, New Delhi, India to Twitter Inc. on 19.01.2015, inter alia requested for preserving Twitter account since 01.01.2013. Thereafter, a response was received on 24.01.2015 from Twitter (Legal) stating:-

" This email confirms receipt of your request for information pursuant to Section 91. Please note that Twitter does not have IP logs available from January 2013, as we only keep session IP information for a limited period of time, as described in our law enforcement guidelines. Please confirm if you would like Twitter to review your associated requests for other categories of information and we will promptly do so to evaluate for production. Twitter has preserved the available information of these accounts pending your response."

In view of the communication between the Investigation Agency and the Twitter Inc., I do not think any direction is required now from this court to the Investigating Agency/police to take any steps for preservation of the record since such a request has already been made and Twitter has also informed about preservation of record of accounts in question. Therefore, no direction is required to the police from the court in view of above observation that the Twitter Inc. has already responded to the communication from the Delhi Police by saying that they have preserved records.

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The application stands disposed off accordingly.

Matter be now listed for further arguments on Charge on **26.10.2020 at 10.30 am**. In case, the date happens to be day of physical hearing then the case will be taken up in the court itself, otherwise, through VC, as the case may be.

The Digitally signed order is being sent to Sh. Brijesh Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

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**(AJAY KUMAR KUHAR)
Additional SessioJudge/
Special Judge(PC Act),
CBI-09 (MPs/MLAs Case)
RADC, Delh25.9.2020(SR)**

[1]

CBI No.58/19
CNR No. DLCT11-000139-2019
CBI v T. Dileep Kumar & Ors.

Matter is taken up today for hearing through Video Conferencing in terms of Office Order No.417/RG/DHC dated 27.8.2020 and Circular issued by Ld. District & Sessions Judge-cum-Special Judge (CBI), Rouse Avenue District Court, New Delhi, regarding Duty Roster of the Judicial Officers and Modalities in respect of hearing bearing No.E-10559 10644/Power/Gaz./RADC/2020 dated 28.8.2020 and No.E-10927-11013/Power/Gaz./RADC/2020 dated 30.8.2020 respectively.

25.9.2020 **(Proceeding through VC on CISCO WEBEX)**

Present: Sh. Pankaj Gupta, Learned Senior PP for the CBI.
A-1 T. Dileep Kumar through VC with learned counsel
Dr. Sushil Kumar Gupta.
A-2 Ms. K. D. Varyani has already expired.
A-3 Dr. B. S. Nadha, A-4 Jagdeesh, A-5 K. T. Govind Gowda,
A-6 Dr. G. Ganga Raju, A-7 Dr. Manjeet Singh are absent.
Sh. Rajesh Khanna, learned counsel for A-3 to A-7.
Sh. Vikrant N. Goyal, learned counsel for A-3, A-4, A-5 & A-7.
Ms. Akansha Chaudhary, learned counsel for A-6.
A-8 Jaideep Gupta through VC with learned counsels Sh. S.
K. Saxena, Sh. Pramod Jalan, Ms. Manisha Sharma,
Sh. Neeraj Chaudhari and Ms. Astha Nigam.

Proposed questions under Section 313(5) Cr.PC have been submitted by the learned Sr. PP for the CBI and learned counsel for A-1. Let the matter be listed for finalization of questions under Section 313(5) Cr.PC. Thereafter, the case will be listed for recording of statement of accused.

Matter be now listed on **07.10.2020**. In case, the date happens to be the day of physical hearing, the case will be taken up in the court itself, otherwise, through VC, as the case may be.

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The Digitally signed order is being sent to Sh. Brijesh Andani, Reader of the Court on E-mail ID of the court i.e. readercbi09radc@gmail.com with the direction to place the order on the record as and when the regular functioning of the Courts is resumed or whenever he visits court as per Duty Roaster and send copy of the order to Computer Branch, RADC for uploading on Official Website.

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(AJAY KUMAR KUHAR)
Special Judge (PC Act),
CBI-09 (MPs/MLAs Cases),
RADC, New Delhi : 25.9.2020 (SR)

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