

## Section 67: Punishment for publishing or transmitting obscene material in electronic form

Whoever publishes or transmits or causes to be published in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

### More Info on Section 67 of Information Technology Act:

**Judgment # 1:** Under Section 67 of the Information Technology Act, 2000 an offence is committed by a person who publishes or transmits any material which is lascivious or appeals to the prurient interest. Sections 292 and 294 of the Indian Penal Code have also been mentioned which contemplate the selling, letting on hire, distribution or public exhibition of obscene matter. He has emphasized that the provision does not bring within its sweep the causing of the transmission in contradistinction to the publication of obscene material. [[Avnish Bajaj vs State, famously known as Baze.com case \(2005\)](#)]]

**Judgment # 2:** Karnataka achieved its first conviction in a cyber crime case under Section 67 of the Information Technology (IT) Act on Friday, September 7. The verdict came in a case relating to a decade-old incident which involved a software engineer who had sent obscene emails and photographs of his victims from a cyber cafe. Interestingly, the engineer accused in the case had quit his job and turned into a lawyer so that he could defend himself in the court. The convict Shivaprasad Sajjan has been sentenced to two years imprisonment and fined for Rs 25,000 after he was found guilty by the ACMM Court under Section 67 of the Information Technology Act. [[Shivaprasad Sajjan vs State \(2018\)](#)]]

**Judgment # 3:** Petitioner was arrested by the Inspector of Police, R8 Vadapalani Police Station, Chennai for various offences, particularly Section 67 of the Information Technology Act, 2000, Section 4 read with Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986 and Section 120-B of the Indian Penal Code. [[Dr. L. Prakash vs State Of Tamil Nadu \(2002\)](#)]]

Judgment # 4: Summary: Section 67 of Information Technology Act analyzed and held it is not applicable to the case of threatening email received by Chief Minister of Gujarat, hence ordered to be deleted from the matter. [[Mohammed vs State on \(2010\)](#)] ]

**Judgment # 5:** Petitioner was working as Senior Manager, Trust and Safety, BIPL on the day when DPS MMS was put up for sale on Baze.com. That is, the office responsible for the safety of the Portal, taking action on suspect lists when reported by our users, and block the user or close items listed accordingly. It was held that there is prima-facie sufficient material showing petitioner's involvement to proceed against him for the commission of offence punishable under Section 292 IPC. Though he was already discharged of offences only under Section 67 read with Section 85 of IT Act and Section 294 IPC. [[Sharat Babu Digumarti vs State, Govt. of NCT of Delhi \(Baze.com Case, Appeal\)](#)] ]

**Judgment # 6:** A student of ASCL, came across the website [www.incometaxpune.com](#);, and on visiting the said site, the complainant was taken to a pornographic site and move the court for blocking order against the website. The court ordered that only when the authorities enumerated under Clauses (i) to (vii) when moved were either not inclined or had refused to prefer a complaint to the Director, CERT-In, then the court could be moved for a direction to the officer concerned. [[Sreekanth C.Nair vs](#)

## **Licensee/Developer (2008)]**

**News #1:** [A Keralite gets 3 years in Jail for snooping through camera](#)] (July 2017):

The Kozhikode First Class Judicial Magistrate Court sentenced a youth to three years of imprisonment and fined ₹20,000 in connection with his involvement in an incident in which a mobile phone camera was placed in the women's toilet of a restaurant seven years ago. The court found Akhil Jose, 29, a former employee with Hotel Sagar on Mavoor Road under 67 and other relevant provisions of the Information Technology Act.

**News #2:** [Kolkata man held for Cyber Stalking former classmate for over 9 years](#)]:

Kolkatta Police received a complaint from a Delhi based girl's father that the accused Tushar Kumar Biswas, who was former classmate of her daughter in a well reputed Law School, has been cyber stalking her since 2008. Tushar Kumar had proposed the girl in the past but could not take the rejection and therefore, have been continuously stalking her online on various social media sites, harassed through email as well by sending her across obscene photos and clips. The matter has been registered under section 66C/67A of Information Technology Act and also various section of Indian penal Code!

**News #3:** [Kolkata man held for uploading Obscene Photos of ex-wife on Facebook](#)]:

The accused, Sanjeev Sarkar alias Gopal, had created a fake profile of her wife and posted 'obscene' pictures of her on it, sources said. Sarkar is a resident of Nimta in North-24 Parganas, and worked as a group D staff at a private school in Bangaon. The accused has been booked under Section 354 of the IPC (outraging woman's modesty) as well as under the Information Technology Act, police said. As per sources, the accused wanted to take revenge on his ex-wife after the 35-year-old divorced him. (Indian Express: 01 June 2017)