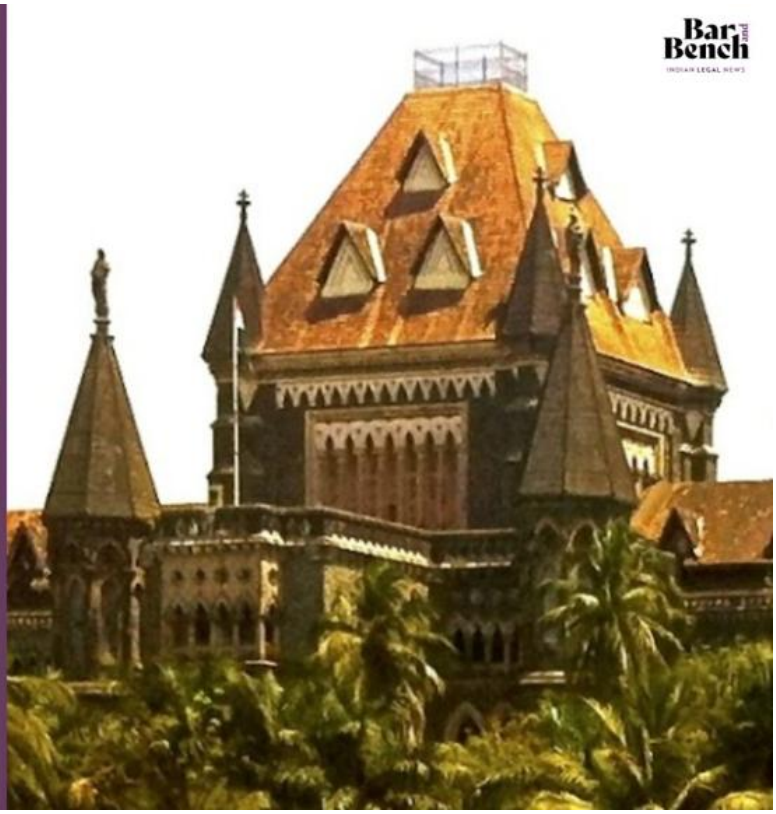
Twitter Thread by Bar & Bench

Bar & Bench
@barandbench

#BombayHighCourt begins hearing the plea of Sunaina Holey accused of making objectionable statements against Maharastra Chief Minister Uddhav Thackeray and Cabinet Minister Aaditya Thackeray.

@SunainaHoley
@OfficeofUT
@AUThackeray
@CMOMaharashtra
@MumbaiPolice





Adv. Abhinav Chandrachud answers the query of the court asking the parties to present the stand of other democratic countries on the statements made on WhatsApp or Twitter.

Chandrachud relied upon judgments of US Courts to submit that when similar statments against the government were made, a US court took a stand that the statement needs to be rectified and not arrested.

Chandrachud relied upon the judgment of the Supreme Court in the matter of Amish Devgan wherein the court observed that if it is a prominent person like a news channel anchor or a public figure, they have to observe higher amount of responsibility before making statement.

Chandrachud: My client (@SunainaHoley) is not a public figure and hence her statements if incorrect can be rectified by the concerned authority. She need not be arrested.

Chandrachud submits the Supreme Court while considering the Shreya Singhal case had considered if any public disorder has been caused by the words if the accused in that case.

Chandrachud: in the present case there is no public disorder caused by the objected tweets.

Court: What does she do? Professionally?

Chandrachud: She is a consultant, advises companies. She is an MBA graduate.

I understood when you milords asked me the question. She is not a leader of any opposition party, or any other political organisation.

Senior Counsel Manoj Mohite appearing for State interjects: She is a professional tweeter, I can prove it.

Chandrachud: Milords her twitter bio space mentions that she is a follower of RSS, and some otber things, but that does not mean she is a leader.

Chandrachud: There are many such followers on Twitter, they are not all leaders.

Chandrachud referring to another Supreme Court judgment says: The words must be judged by the claim of its matural meaning, cannot interpret words too much.

There could be many interpretations of a verse written by a poet.

Justice SS Shinde hearing the plea points out that the Supreme Court had refused to quash FIRs filed against him and had refused to accept the similar arguments made therein.
https://t.co/VBdiWPh7A7

Chandrachud: Yes Milord. Infact they considered Devgan's apology as an admission of guilt.
The fact that he had apologised meant that he was guilty of usung a derogatory term for a Sufi saint.

Chandrachud reads a judgment of the US Supreme Court discussing the difference between incitement and advocacy and how both have to be dealt with differently.

Chandrachud: Merely advocating an opinion is not inciting the public.

Chandrachud asks the court if he can continue as it is almosy 5.30 pm.

Court asks him to continue tomorrow as there is a meeting now.

Matter to be heard tomorrow at 4.15 pm.

Hearing ends.