

**Cyber Laws & Appreciation of Digital Evidence Special Program for High Court  
Judges (e-committee) – P-1346**

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- ii. Rupak Nagarajan, et al, *Digital Personal Data Protection Bill: A Perspective on India Data Protection Regime*, KPMG, December (2022)..... 07
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**Supreme Court:**

- ✓ *Kaushal Kishore v. State of Uttar Pradesh*, (2023) 4 SCC 1
- ✓ *XXXX v. YYYY*, (2022) SCC OnLine SC 1123
- ✓ *Jigyaa Yadav v. CBSE*, (2021) 7 SCC 535

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- ✓ *Princess Anaryaa Milind Ramteke v. State of Maharashtra*, (2021) SCC OnLine Bom 10861  
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- ✓ *Vijay Kumar v. CBSE*, (2023) SCC OnLine Del 703; and
- ✓ *Tanishka Maheshwari v. CBSE*, (2023) SCC OnLine Del 711  
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- ✓ *Regional Officer CBSE v. Sanifa Mustafa*, (2021) SCC OnLine Ker 6756; and
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- ✓ *CBSE v. Vineeth J*, (2021) SCC OnLine Ker 2971; and such many others  
The Kerala High Court ruled citing *Jigyaa Yadav Case* as a precedent.
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- ✓ *Jorawer Singh Mundy v. Union of India*, 2021 SCC OnLine Del 2306
- ✓ *NT1 and NT2 v. Google LLC*, [2018] EWHC 799 (QB)

**B. Right to be Forgotten v. Right to Privacy –**

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- ✓ *Gobind v. State of MP.*, (1975) 2 SCC 148

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- ✓ *Karthick Theodore v. Registrar General Madras High Court*, 2021 SCC OnLine Mad 2755

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- ✓ *Saanvi Singh v. State of Odisha*, 2023 SCC OnLine Ori 1191
- ✓ *Vysakh K.G. v. UoI, Kerala*, 2022 SCC OnLine Ker 7337
- ✓ *Manohar Lal Sharma v. Union of India*, 2021 SCC OnLine SC 985
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- ✓ *Christian Louboutin v. Nakul Bajaj*, (2018) 253 DLT 728
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- ✓ *Myspace Inc. v. Super Cassettes Industries Ltd.*, (2017) 236 DLT 478 (DB)
- ✓ *Ramesh Rajagopal v. Devi Polymers Pvt. Ltd.*, (2016) 6 SCC 310
- ✓ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1
- ✓ *Sabu Mathew George v. Union of India*, (2015) 11 SCC 545

- ✓ *Nasscom v. Ajay Sood*, (2005) 119 DLT 596
- ✓ *Yahoo!, Inc. v. Akash Arora*, (1999) 78 DLT 285
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**Recommended Reading(s):**

- a) *OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*, in *The OECD Privacy Framework*, OECD, 2013
- b) Luke Irwin, *Personal Data vs Sensitive Data: What's the Difference?*, IT Governance Blog, February 18, 2021.
- c) Richard A. Posner, *Theories of Economic Regulation*, NBER Working Paper No. 41 (May 1974)
- d) The Personal Data Protection Bill, 2022
- e) The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011
- f) Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
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- h) Budapest Convention on Cybercrime, 2001

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- ✓ *Swami Ramdev v. Facebook, Inc.*, 2019 SCC OnLine Del 10701
- ✓ *Impresario Entertainment & Hospitality Pvt. Ltd. v. S & D Hospitality*, (2018) 246 DLT 337
- ✓ *World Wrestling Entertainment Inc v. M/s. Reshma Collection*, (2017) 237 DLT 197
- ✓ *Lalitha Lakshaman v. CBI*, 2017 SCC OnLine Del 6435
- ✓ *Thota Venkateswarlu v. State of Andhra Pradesh*, (2011) 9 SCC 527
- ✓ *Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy*, (2010) 42 PTC 361
- ✓ *(India TV) Independent News Service Pvt. Ltd. v. India Broadcast Live LLC.*, 2007 SCC OnLine Del 965, ILR (2007) 2 Delhi 1231
- ✓ *Om Hemranjani v. State of U.P.*, (2005) 1 SCC 617
- ✓ *SIL Import, USA v. Exim Aides Silk Exporters, Bangalore*, (1999) 4 SCC 567
- ✓ *Ajay Aggarwal v. Union of India*, (1993) 3 SCC 609
- ✓ *Indian Performing Rights Society Ltd. v. Sanjay Dalia*, 2015 (63) PTC 1
- ✓ *Exxon Mobile Corp. v. Exxoncorp Pvt. Ltd.*, (2019) 79 PTC 335
- ✓ *Zenner International GMBH & Co. KG v. Anand Zenner Company Pvt. Ltd.*, 2018 SCC OnLine Del 7011
- ✓ *Wipro Ltd. v. Oushadha Chandrika Ayurvedic India (P) Ltd.*, AIR 2008 Mad 165
- ✓ *Pratap Singh v. Bank of America*, 1976 SCC OnLine Bom 111

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- ✓ *Zippo Manufacturing Company v. Zippo Dot Com, Inc* 952 F. Supp. 1119

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- ✓ *H.K. v. Prokuratuur*, Case C-746/18, ECLI:EU:C:2021:152
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- ✓ *Snapdeal Pvt. Ltd. v. Snapdeal lucky draws.org.in*, 2020 SCC OnLine Del 2125
- ✓ *Gujarat Cooperative Milk Marketing Federation Ltd. v. Amul Franchise.in*, CS(COMM) No. 350/2020, order dated 28-08-2020
- ✓ *HT Media v. Hindustantimes.tech*, CS (COMM) No. 352/2022, Order dated 24-05-2022

- ✓ *Snapdeal Private Limited v. GoDaddy LLC*, 2020 SCC OnLine Del 2044
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- ✓ *Swami Ramdev v. Facebook, Inc.*, 2019 SCC OnLine Del 10701

9. **Recommended Reading(s):**

- a) Second Additional Protocol to the Convention on Cybercrime on Enhanced Cooperation and Disclosure of Electronic Evidence
- b) Cybercrime Judicial Monitor-available at: [www.eurojust.europa.eu](http://www.eurojust.europa.eu)
- c) The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

**Session 3**  
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- iv. Orin S. Kerr, *Searches and Seizures in a Digital World*, 119 Harvard Law Review 531-585 (2005)..... 438

**B. Digital Forensics: Search, Seizure & other SoPs for Electronic Records**

- v. *Standard Operating Procedures for the collection, analysis and presentation of electronic evidence*, Prepared by Cybercrime Programme Office of the Council of Europe (C-PROC) – 12<sup>th</sup> September (2019)..... 493

2. **Case Law Jurisprudence:**

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**Supreme Court:**

- ✓ *Ravinder Singh Alia Kaku v. State of Punjab*, (2022) 7 SCC 581
- ✓ *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantayal*, (2020) 3 SCC 216
  - Mandatory for digital evidence in secondary form.

- Not-mandatory when original device itself is produced.
- Can be filed at any stage of the trial.
- Court can direct MSP & ISP to retain info.
- Court can direct concerned to produce 65B Cert.
- ✓ *P. Gopalkrishnan v. State of Kerala*, (2020) 9 SCC 161
- ✓ *State by Karnataka Lokayukta v. M.R. Hiremath*, (2019) 7 SCC 51
- ✓ *Madhukara v State of Karnataka*, (2018) SCC OnLine Kar 3813
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- ✓ *M/s Jaimin Jewellery Export Pvt. Ltd. v. State of Maharashtra*, (2017) SCC OnLine Bom 1771
- ✓ *Sonu v. State of Haryana*, (2017) 8 SCC 570
- ✓ *Shamsher Singh v. State of Haryana*, (2016) 15 SCC 485 *Tomaso Bruno v. State of UP*, (2015) 7 SCC 178
- ✓ *Anvar P.V. v. Basheer P.K.*, (2014) 10 SCC 473
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- ✓ *Tukaram S. Dighole v. Manikrao Shivaji Kokate*, (2010) 4 SCC 329
- ✓ *Jagjit Singh v. State of Haryana*, (2006) 11 SCC 1
- ✓ *State (NCT of Delhi) v. Navjot Sandhu*, (2005) 11 SCC 600
- ✓ *State of Maharashtra v. Praful B. Desai (Dr)*, (2003) 4 SCC 601
- ✓ *Salem Advocate Bar Association v. UoI*, (2003) 1 SCC 49 at 55
- ✓ *Ram Singh v. Col. Ram Singh*, 1985 Supp SCC 611
- ✓ *Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra*, (1976) 2 SCC 17
- ✓ *Nagabhushan Rao v. State of Karnataka*, 1975 (2) Kar. L.J. 47 SN
- ✓ *R.M. Malkani v. State of Maharashtra*, (1973) 1 SCC 471

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- ✓ *Chirag Dipakbhai Sulekha v. State of Gujarat*, (2021) SCC OnLine Guj 11
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- ✓ *National Lawyers Campaign for Judicial Transparency and Reforms v. UoI*, 2017 SCC OnLine Del 8564
- ✓ *Kamal Patel v. Ramkishore Dogne*, 2016 SCC OnLine MP 938
- ✓ *Kishan Tripathi v. The State*, 2016 SCC OnLine Del 1136
- ✓ *Abdul Rahaman Kunji v. State of West Bengal*, 2014 SCC OnLine Cal 18816
- ✓ *Dharambir v. CBI*, (2008) 2008 SCC OnLine Del 336
- ✓ *Amitabh Bagchi v. Ena Bagchi*, 2004 SCC OnLine Cal 93
- ✓ *Twentieth Century Fox Film Corporation v. NRI Film Production Associates (P) Ltd.*, 2003 SCC OnLine Kar 22

**Note:** Please consider reading the complete judgment for a conclusive view. Jurisprudence developed by the High Courts on topical issues have been referred. The same may be considered contingent to the absence of law laid down by the apex court, or an early address to certain novel and contemporary legal issues arising out of jurisdiction etc.