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The conflict between provisions of the IPC and the IT Act came to the fore. In this case, on November 27, 2004, an obscene video had been listed for sale on baazee.com ("Bazee"). The listing was intentionally made under the category 'Books and Magazines' and sub-category 'ebooks' in order to avoid its detection by the filters installed by Baazee. A few copies were sold before the listing was deactivated. Later Delhi police's crime branch charge-sheeted Avinash Bajaj, Bazee's managing director and Sharat Digumarti, Bazee's manager. The company Bazee was not arraigned as an accused and this helped Avinash Bajaj get off the hook since it was held that, vicarious liability could not be fastened on Avinash Bajaj under either section 292 of the IPC or section 67 of the IT Act when Avinash's employer Bazee itself was not an accused. Later changes under section 67 of the IT Act and section 294 of IPC against Sharat Digumarti were also dropped, but the charges under section 292 of the IPC were retained. The Supreme Court then considered if, after the charges under section 67 of the IT Act was dropped, a charge under section 292 of the IPC could be sustained. The Supreme Court quashed the proceedings against Sarat Digumarti and ruled that if an offence involves an electronic record, the IT Act alone would apply since such was the legislative intent. It is a settled principle of interpretation that special laws would prevail over general laws and latter laws would prevail over prior legislation. Further, section 81 of the IT Act states that the provisions of the IT Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

*Sharat Babu Digumarti v. Government of NCT of Delhi*, AIR 2017 SC 150

Tags: [IPC S. 292](#), [IPC S. 294](#), [IT Act S. 67](#)