

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9185 of 2016

ORDER:

This petition is filed being aggrieved by the order of the learned I Additional Judicial Magistrate of First Class, Karimnagar, in CrI.M.P.No.1201 of 2016 in Crime No.189 of 2016 of Karimnagar II Town Police Station, to the effect that the petitioner herein should produce M.S.O., certificate issued by the concerned authorities before the property seized is handed over to him by way of interim custody. The other condition is that a bond for Rs.10,00,000/- should be executed by the petitioner.

2. The grievance of the petitioner is that even as per the allegations, on the face of it, it is not alleged that petitioner is a multi system operator so as to produce certificate from the concerned authorities.

3. Section 4 of the Cable Television Networks (Regulation) Act, 1995 (for short 'The Act') prescribes registration as cable operator which read as under :

“Any person who is desirous of operating or is operating a cable television network may apply for registration or renewal of registration, as a cable operator to the registering authority.”

4. The petitioner submits that on 01.06.2016 he applied for registration to the competent authority. But the same was not issued on the date when premises was surprised on 04.06.2016. However, on 08.06.2016 the competent authority had issued licence to the petitioner for running cable net work. However, learned Magistrate while giving interim custody of the instruments seized, directed to produce the M.S.O Certificate which is not necessary as the petitioner is not a M.S.O operator so as to obtain certificate from the authority. Therefore, the said condition is unwarranted.

5. Having regard to the above contention that petitioner was operating cable Television without valid licence, which however, he obtained subsequently on 08.06.2016, the instruments so seized are liable to be returned to the petitioner on his furnishing a personal bond for a sum of Rs.10,00,000/- as directed by the learned Magistrate and a copy of the certificate issued under Section 4 of the Act, be produced.

6. With the above direction, the Criminal Petition is disposed of.

7. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date: 28.06.2016

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