

11# \$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4903/2016**

SUCHA NAND BAJAJ

..... Petitioner

Represented by: Mr. Nitin Khanna, Adv.

versus

IBN-7 REPRESENTED BY: M D

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

02.01.2017

Crl. M.A. No. 20299/2016 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 4903/2016

1. Alleging that the petitioner was the registered owner and prior user of the trademark "Har Pal Har Jagah Speed News" and that the respondents IBN-7 and NDTV were infringing his trademark, the petitioner filed a complaint before the learned Metropolitan Magistrate seeking summoning of the concerned officers of IBN-7 and NDTV for offences punishable under Sections 102, 103 and 104 of the Trademarks Act, 1999 and Section 420 IPC.

2. Before the learned Trial Court, the petitioner gave up his complaint against NDTV and pursued it only against respondent IBN-7. In the pre-summoning evidence, the petitioner examined himself as CW-1 and his friend Mehtab Hussain as CW-2. It was alleged that by using the words

CRL.M.C. 4903/2016

Page 1 of 2

“Speed News” they were confusing and deceiving the customers with the registered trademark of the petitioner which was “Har Pal Har Jagah Speed News” and thus infringing his trademark and cheating common men.

3. Learned Metropolitan Magistrate declined to summon the accused and dismissed the complaint vide order dated 12th October, 2015 which order was challenged in a revision petition before learned Additional Sessions Judge which was also dismissed vide the impugned order dated 30th August, 2016. Hence the present petition.

4. Admittedly the registered trademark of the petitioner is “Har Pal Har Jagah Speed News” whereas the allegation against the respondent is that it was using the name “Speed News”. Thus, there are no prefixes with the word “Speed News” so as to confuse the public about the registered trademark of the petitioner. Moreover, though the petitioner exhibited a computer generated print out of NDTV website to demonstrate that the news channel was using the trademark “Speed News” however no certificate under Section 65B Evidence Act was filed.

5. As noted above, the complaint qua NDTV had already been given up and the petitioner was only pursuing the complaint qua IBN-7. No material was shown that IBN-7 was infringing the trademark of the petitioner. Thus, this Court finds no reason to interfere in the two orders passed by learned Metropolitan Magistrate and learned Additional Sessions Judge.

6. Petition is dismissed.

MUKTA GUPTA, J.

JANUARY 02, 2017/‘vkm’

CRL.M.C. 4903/2016

Page 2 of 2