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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/12/2018 16:26
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CRM-M-54570-2018 (O/M)
Date of decision : 10.12.2018

Sukhdev Babbar and others Petitioner (s)
Versus
State of Haryana Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gaurav Tyagi, Advocate,
for petitioners.

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KULDIP SINGH, J. (ORAL)

Heard.

Allegations against petitioners are that they were manufacturing duplicate counterfeit packaging tube and outer packaging of Fair and Lovely product of Hindustan Uniliver Limited. FIR No. 169 in this case was registered at Police Station Bajghera, District Gurugram, on 28.7.2018, under Sections 63, 65 of Copyright Act, 1957, and under Sections 120-B, 420 IPC, whereas Sections 78, 79 of Trade and Merchandise Marks Act, 1958, were added later on.

The learned counsel for petitioner contends that now Copyright Act, 1957, has been replaced by Trademarks Act, 1999, and that case could not be investigated by an officer not below the rank of Deputy Superintendent of Police and that Court could not take cognizance of offence, except on complaint in writing made by Registrar or any officer authorized by him in writing. The case is fixed for arguments on charge. Petitioners can take all these pleas before trial Court at the time of framing of charge. If such pleas are taken, trial Court shall deal with each and every contention raised by learned counsel for petitioners and thereafter, if petitioners are not satisfied, they can always come to this Court for appropriate relief. Disposed of.

(KULDIP SINGH)
JUDGE

10.12.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No