

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10738 of 2019

Gadigachalam

...Petitioner/Defacto
Complainant

-Vs-

1.The State rep. by
The Superintendent of Police,
CB-CID, Chennai.

2.The Inspector of Police,
IPRE Cell, Unit-1,
Ayanavaram, Chennai-600 023.

...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, pleased to transfer the investigation in Crime No.196 of 2018 dated 17.10.2018, on the file of the 2nd respondent to the file of the CB-CID, Chennai for further investigation.

For Petitioner : Mr.V.Arul

For Respondents : Mr.C.Raghavan
Government Advocate (CrI. Side)

ORDER

This petition has been filed to transfer the investigation in Cr.No.196 of 2018 pending on the file of the 2nd respondent to the file of the the CB-CID, Chennai for further investigation, based on the petitioner's complaint 17.10.2018.

2.The learned counsel for the petitioner submitted that the petitioner was manufacturing and marketing of lungies under the mark NANDU (word and design) for the past 18 years and it was registered under the copyright Act, 1957 as Reg.No.A-61838/2002. He further submitted that, one Divya Textile & Readymades has unlawfully manufacturing and selling the same in the above said brand name. Therefore, the petitioner lodged a

complaint before the 2nd respondent police dated 17.10.2018. Since, no action was taken, the present petition has been filed.

3.The learned Government Advocate (Crl. Side) submitted that a FIR has been in Crime No.196 of 2018 for the offence under Section 51(b)(1), 63(a) of Copyright Act and the investigation is still pending.

4.Considering the facts a FIR has already been registered and the investigation is still in progress, the transfer of investigation cannot be considered now, as the same would affect the investigation proceedings. However, the 2nd respondent is directed to complete the investigation in Crime No.196 of 2018 and to file a final report within a period of three months from the date of receipt of copy of this order.

"4(a) The Deputy Commissioner of Police, IPRE Cell, Ayanavaram is directed to monitor the investigation and also ensure that the second respondent files a final report within the time stipulated by this Court".

5.With the above observation, this Criminal Original Petition is disposed of.
aking/Non Speaking order

sd/
ASSISTANT REGISTRAR
DATED : 07/06/2019

**Amended as per order dated 15.07.2019
made in Crl OP No.10738 of 2019**

sd/
ASSISTANT REGISTRAR (CS-II)
DATED : 16/07/2019

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1. The Superintendent of Police,
CB-CID, Chennai.
2. The Inspector of Police,
IPRE Cell, Unit-1,
Ayanavaram, Chennai-600 023.

**To be Substituted to the order
despatched on 12.07.2019**

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3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Arul, Advocate in sr.no.**59812** (28/06/2019)

CrI.O.P.No.10738 of 2019

VGI (CO)
TA-10/06/2019
GMV(17/07/2019)



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