

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2521 of 2022

Raj Kishore Mohanty

....

Petitioner

Mr. Biswaranjan Mohapatra, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Parties

*Mr. G.R. Mohapatra,
ASC*

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
23.12.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the state.
3. In this CRLMP, the petitioner has challenged the inaction of the Gop Police functionaries against the opposite party Nos. 4 to 10 in a cognizable and non-bailable offences under Section 63 of the Copyright Act read with Section 378/379 of the Indian Penal Code.
4. Learned counsel for the petitioner submits that his father namely, Durga Charan Mohanty had authored a number of books including the title "Bhagawan Shankarcharya". The copyright of the said book has been with the author and the petitioner being the son of

the author claiming the copyright of his father's book being his legal heir.

5. It is pertinent to mention here that the copyright being a bundle of exclusive rights vested on the owner of copyright by virtue of Section 14 of the Act which can only be exercised by the owner of the copyright or by the licensee in this regard duly authorised by the owner of the copyright. Since the copyright protection is conferred on the original literary work of the author, any sort of copying or plagiarizing the copyright work by any person is punishable under law.

6. As per Section 17 of the Copy Right Act, the creator of the book is the first owner of the copyright. It is invaluable right that the holder enjoys and any infringement on the said right, gives rise to civil and criminal consequences. Hence, in the instant case, the petitioner being the legal heir of the copyright owner and he is also entitled to take the action against the infringer.

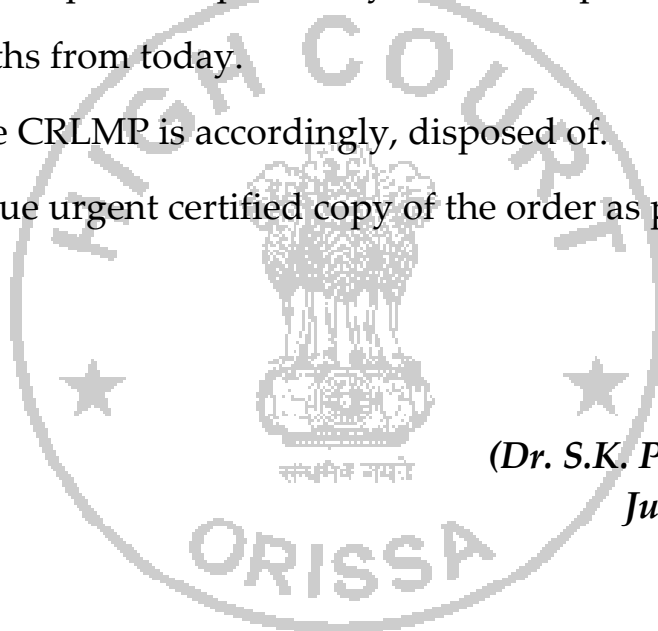
6. In such view of the matter, the petitioner approached the Gop Police Station, District-Puri seeking action against the infringers from publishing any book written by the original author. The said police station registered the complaint vide Gop P.S. Case No. 99 of 2022. However, nothing has been substantially progressed

with respect to the investigation against such infringement by the infringers. Hence, the petitioner is constrained to approach this Court for redressal of the grievance.

7. Considering the facts and submissions made, the Inspector-In-charge, Gop Police Station is directed to complete the investigation and take appropriate action as per law against the opposite party Nos. 4 to 10 as early as possible preferably within a period of three months from today.

8. The CRLMP is accordingly, disposed of.

9. Issue urgent certified copy of the order as per Rules.



(Dr. S.K. Panigrahi)
Judge

LB