

05.10.2024
Sl. No.24
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IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C. R. R. 3628 of 2024

In Re: ***Vinoy Kumar Duggar @ Vinay Kumar Dugar @ Vinay Dugar & Ors.***
... .. Petitioners

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Mr. Rony Mondal

... .. for the petitioners

1. Petitioners submit opposite party no.2 does not have a registered trademark in his favour. Offence under Section 63 of the Copyright Act are not applicable to the case.
2. We have considered the averments in the impugned charge sheet. Deceptively similar articles were recovered from the possession of the petitioners. They are unable to explain licit possession and right to trade in the said articles.
3. Reference to incorrect provisions in the impugned charge sheet does not affect the jurisdiction of the Magistrate to consider the materials on record and frame charges under the appropriate provisions of law.
4. In view of the aforesaid facts, I am of the opinion there is no jurisdictional error which would require interference at this stage. However, in view of long pendency of the proceeding I request the jurisdictional Magistrate to take prompt steps to proceed with the matter and conclude the same at an early date.
5. With the aforesaid observations, CRR 3628 of 2024 is disposed of.
6. Photostat certified copy of this order, if applied for, be given to the petitioner on usual undertaking.

(Joymalya Bagchi, J.)

