

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

SATISH
RAMCHANDRA
SANGAR

REVISION APPLICATION NO. 211 OF 2024

Digitally signed by
SATISH RAMCHANDRA
SANGAR

Date: 2024.08.03
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Dattatray Babu Dighe

...Applicant

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Pankaj Sayajirao Shinde, Ms.Bharati P.Shinde and Ms.Saritha:	Advocates for Applicant.
Ms.Sangita E. Phad:-	APP for Respondent No.1 –State.

CORAM : S. M. MODAK, J.

DATE : 31st JULY 2024

P. C. :-

1. Heard learned Advocate for the Applicant – Accused.
2. The Respondent Nos.3 and 4 are served by way of a private notice. The Affidavit of service, to that effect, is taken on record and marked Annexure-X.
3. The Respondent No.3 is the First-Informant and he claims to be the Power of Attorney Holder of Respondent No.4 – Company. The FIR is registered with Bhoiwada Police Station on 15th June 2017 (Page

No.37) on the complaint of Respondent No.3 – Amiy Saxena. He along with the Police raided two places. They are as follows:-

- (a) Jay Ambe Xerox, Parel – Mumbai wherein any objectionable articles were not found.
- (b) Janani Xerox in front of KEM Hospital, Parel – Mumbai wherein, they found the copies of certain books published in the name of the Respondent No.4. They have also searched the computer. They have seen certain folders in which details of certain book titles were found. They have also seized the hard-disk. The present Applicant was found at Janani Xerox Centre. He is charge-sheeted for the offences under Sections 62, 63(b), 65 of the Copyright Act, 1957.

4. He has filed a quashing Application. On 27th March 2024, a Division Bench of this Court permitted him to challenge the order of framing of charge. It was framed on 13th August 2023. It is on Page No.87(a).

5. I have heard learned Advocate Shri.Shinde for the Applicant.

Predominantly, he made following two submissions:-

- (a) The Power of Attorney cannot file a complaint to the Police.
- (b) The copyright was not registered. **He read the provisions of following sections:-**
 - (i) Sections 2(d), (i), (vi), 13, 14, 16, 51, 63, 63(b) and 65 of the Copyright Act, 1957.

6. To support his contentions, he relied upon the following judgments:-

- (i) *Nirav Danishkumar Shah v/s. State of Maharashtra and Others*¹
- (ii) *Dhiraj Dharamdas Dewani v/s. M/s Sonal Info Systems Pvt. Ltd. & Others*²
- (iii) *Brundaban Sahu v/s. B. Rajendra Subudhi*³
- (iv) *Anand Palan and Ors. v/s. State of Goa and Ors.*⁴
- (v) *Mr. Bharat Vasantlal Mewawala and Anr. v/s. The State of Maharashtra and Ors.*⁵

7. Let learned APP to address the Court on the next date on following aspects:-

- (a) Whether the registration of copyright is required for taking action under criminal law. She is at liberty to rely upon any judgments.
- (b) Whether the Power of Attorney can file a complaint.
- (c) She invited my attention towards the Certificate of Registration issued by the Registrar of Copyright – United States of America. (Page No.69).
- (d) Let her address the Court whether it can be sufficient for taking action.

1 2018 2 MhLJ (Cri) 752

2 2012 3 AIR (Bom) (R) 586

3 1986 2 ArbLR 224

4 2019 0 AllMR (Cri) 4592

5 Criminal Application No.198 of 2016 : 30th August 2016 : Bombay High Court

8. Stand over to **4th September 2024**. To be listed “**High on Board**”.
9. Learned Advocate Shri.Shinde is at liberty to argue on remaining points on the next date.
10. Let the trial Court proceeding be stayed till next date.
11. It is made clear that if any of the party will try to prolong the hearing of this Revision Application, then this order will not be extended on the next date.

[S. M. MODAK, J.]