



Crl.O.P.(MD)No.6889 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.6889 of 2022
and Crl.M.P. (MD) No.5624 of 2022

A.Siva @ Sivasubramani
@ Deivasigamani

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.16 of 2011

2. Ashore

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet filed against the petitioner in CC No.266 of 2018 on the file of the Judicial Magistrate No.II, Dindigul in respect of Crime No.16 of 2011 on the file of the first respondent Police.

For Petitioners : Mr.N.Balasubramanian

For Respondents : Mr.B.Thanga Aravindh
Government Advocate for R1
Mr.C.Arun Kumar



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ORDER

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This petition has been filed challenging the proceedings in C.C.No.266 of 2018 pending on the file of the learned Judicial Magistrate No.II, Dindigul.

2. The case of the prosecution is that A1 is the proprietor of cable network along with A2 to A4 and he along with A2 to A4 have indulged in telecasting channels belonging to the defacto complainant without obtaining proper licence and thereby, had caused loss to the defacto complainant. Accordingly, the accused persons are said to have committed offence under the Indian Copyright Act, 1957 read with Sections 5 and 10 of the Cable Television Networks (Regulation) Act, 1995 and Sections 379, 406 and 420 of IPC.

3. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing on behalf of the third respondent.



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4. It is not necessary for this Court to go into various grounds that have been raised in the petition. On carefully going through the materials, it is seen that the Court below has taken rubber stamp cognizance without any application of mind. This Court has repeatedly held that such rubber stamp cognizance cannot be taken to be cognizance in the eye of law. Useful reference can be made to the judgment in reported in ***Shanmugam and others v. Inspector of Police, Ariyalur Police Station***, (2019) 3 MLJ (Crl.) 339. The Apex Court and this Court have frowned upon such rubber stamp cognizance being taken by the trial Court.

5. In the light of the above, the cognizance order passed by the Court below is hereby set aside. The matter is remanded back to the file of the learned Judicial Magistrate No.II, Dindigul and the learned Judicial Magistrate shall apply his mind on the materials placed before the Court and allegations made in the police report and take a decision with regard to taking cognizance of the case. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order.



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6. In the result, this Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

26.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

- 1.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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