

MHKO030086212024



Regular Criminal Case no.835/2024.

State of Maharashtra

Vs

Avinash Rohida

ORDER BELOW EXH.6

1. Accused to has filed this application under Section 262 of the BNSS. to discharge for the offence punishable under section 51, 63, 64 of Copyright Act, 1957 in the present case. Accused submitted that, on perusal of record and statement of witnesses it prima-facie reveals that, accused has not committed any offences. The Copyright law does not extend to the manufacturer on sale of garments, every counter logos or designs are involved, such matter fall under the purview of trademark of law.

2. As per informant, the alleged offence is committed between 06.09.2023. Accused has filed discharge application on the grounds that the allegations in the FIR are false and baseless and made with intention to harass the accused. Hence, prayed to discharge the accused.

3. Learned APP and informant filed their say and objected the application on the ground that, the offences are of serious and supported by documentary evidence. The police has filed charge-sheet after making investigation which is supported by documentary evidence. Hence, at this stage application be rejected.

4. Heard learned advocate for accused. He argued to the tune of his application. He submitted that, this case does not fall within the purview of Copyright Act. The accused is entitled for discharge from the offence. Moreover, there is no evidence regarding the commission of

offence at the relevant time. Therefore, no sufficient evidence is on record to frame the charge against accused and he be discharged accordingly.

5. Learned APP argued that, there is sufficient documentary evidence on record to frame the charge against accused and therefore, application be rejected.

6. Perused record. It appears that, during raid conducted by police they found T-shirts of various colors of Lively company which is not original. Police have not found any MRP barcode on the said T-shirts. This shows that prima-facie accused has committed the offence. To proceed with the matter only prima-facie allegations have to be seen.

7. On perusal of record Therefore, it cannot be said that, there is no prima-facie evidence on record to frame the charge against accused. There is sufficient ocular and documentary evidence on record to frame the charge against accused. Hence, order :

ORDER

Application is rejected.

Date: 20/12/2025
Kolhapur

(Shilpa V. Kulkarni)
Judicial Magistrate F.C.
(Court no. 14), Kolhapur