



सिग्नेचर बिल्डिंग
शहीद पथ, गोमती नगर विस्तार,
लखनऊ - 226002
फोन नं.: 0522-2724003 / 2390240, फैक्स नं.: 0522-2724009
सीयूजी नं. 9454400101
ई-मेल : police.up@nic.in
वेबसाइट : https://uppolice.gov.in

दिनांक : 13.10.2025

विषय: अप्लीकेशन अन्तर्गत धारा 482 दं.प्र.सं संख्या-39208/2024 मो० अहमद बनाम उ०प्र० राज्य व अन्य में मा० उच्च न्यायालय द्वारा पारित आदेश दिनांकित 03.09.2025 के अनुपालन में विवेचना के उपरान्त आरोप पत्र मा० न्यायालय में प्रस्तुत करने से पूर्व अभियोजन संवर्ग के अधिकारियों से विधिक राय प्राप्त करने हेतु दिशा-निर्देश।

प्रिय महोदय/महोदया,

परिपत्र के साथ संलग्न अप्लीकेशन अन्तर्गत धारा 482 दं.प्र.सं संख्या-39208/2024 मो० अहमद बनाम उ०प्र० राज्य व अन्य में मा० उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांकित 03.09.2025 का रांढर्भ ग्रहण करें, जिसमें मु.अ.सं. 594/2019 थाना फूलपुर, कमिश्नरेट प्रयागराज में विवेचना के उपरान्त ट्रेडमार्क अधिनियम के स्थान पर कॉपीराइट एक्ट में आरोपपत्र प्रेषित किये जाने पर अप्ररान्ता व्यक्त करते हुये निम्नवत निर्देशित किया गया है—

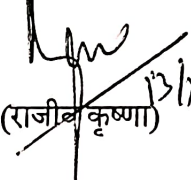
2. The specific question has been put before I.G, Prosecution (Police) that is there any training or any procedure available for the Investigating Officers in respect of implicating accused under specific Section mentioned under the Special Acts. Positive response through I.G, Prosecution (Police) that there is a specific provision and practice available in the department that before preferring chargesheet by concerned Investigating Officer, same has to be put up before Joint Director (Prosecution)/Senior Prosecuting Officer of the concerned district but practically in the lapse of the procedure might culminate the difficulty which came across by this court that the accused were implicated under Copy Right Act rather under Trade Mark Act. A positive assurance has been given by I.G, Prosecution (Police) alongwith Shri Patanjali Mishra, learned Government Advocate that specific allocation in shape of directives shall be issued within a short span of time to all concerned head of the Districts, Department of Police through which practice and procedure which is already available with the department for putting the charge sheets before the Joint Director (Prosecution)/ Senior Prosecuting Officer of the concerned District, filing the same before learned court concerned to be approved or vetted.

2- अप्लीकेशन अन्तर्गत धारा 482 दं.प्र.सं संख्या-39208/2024 से सम्बन्धित मु.अ.सं. 594/2019 थाना फूलपुर, कमिश्नरेट प्रयागराज की विवेचना के उपरान्त धारा-63 कॉपीराइट एक्ट में आरोपपत्र प्रस्तुत किया गया, जबकि मा० उच्च न्यायालय ने अपने आदेश में प्रश्रुत प्रकरण में ट्रेडमार्क एक्ट का अपराध कारित होना अंकित किया गया है। विवेचना के उपरान्त संकलित साक्ष्यों की समीक्षा करते हुये सुसंगत धाराओं में आरोप पत्र मा० न्यायालय प्रस्तुत किया जाना विवेचना अधिकारी तथा पर्यवेक्षण अधिकारी का विधिक दायित्व है। यदि किसी प्रकरण में किस अधिनियम की किस धारा का अपराध कारित किया गया है, यह स्पष्ट न हो रहा हो तो जनपदीय संयुक्त निदेशक अभियोजन/ ज्येष्ठ अभियोजन अधिकारी से विधिक राय प्राप्त कर मत स्थिर किया जा सकता है।

विवेचना के उपरान्त आरोप पत्र मा0 न्यायालय में प्रस्तुत करने से पूर्व अभियोजन संवर्ग के अधिकारियों से विधिक राय प्राप्त करने के निर्देश इस मुख्यालय स्तर से पूर्व में निर्गत डीजी परिपत्र सं0-06/2018 के द्वारा दिये गये हैं, किन्तु सम्भवतः फील्ड स्तर पर इन निर्देशों का गम्भीरता से अनुपालन नहीं किया जा रहा है।

3- अतः आप सभी को निर्देशित किया जाता है कि मा0 उच्च न्यायालय द्वारा पारित आदेश से अपने अधीनस्थों को अवगत कराते हुये यह सुनिश्चित करें कि विवेचना के उपरान्त आरोप पत्र दाखिल करने से पूर्व पर्यवेक्षण अधिकारी, संयुक्त निदेशक अभियोजन/ज्येष्ठ अभियोजन अधिकारी से विधिक राय प्राप्त करते हुये तदुसार मत स्थिर कर आरोप पत्र मा0 न्यायालय में प्रेषित करने सम्बन्धी निर्देशों का अनुपालन सुनिश्चित करायें।

संलग्नक:यथोपरि।

भवदीय

(राजीव कृष्णा) 13/12

1. समस्त पुलिस आयुक्त,
उत्तर प्रदेश।
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद / रेलवेज, उत्तर प्रदेश।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु -:

1. समस्त अपर पुलिस महानिदेशक, उ0प्र0।
2. समस्त जोनल अपर पुलिस महानिदेशक, उ0प्र0।
3. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक / पुलिस उपमहानिरीक्षक, उ0प्र0।

अभियोजन निदेशालय, उत्तर प्रदेश

शालीमार टावर, विभूति खण्ड, गोमती नगर, लखनऊ।

पत्रांक: पॉच-1-रिट-80-2025/3856/2024

दिनांक: 28 सितम्बर, 2025

सेवा में,

अपर पुलिस महानिदेशक/
पुलिस महानिदेशक के जी०एस०ओ०
उ०प्र०, लखनऊ।

विषय: किमिनल एप्लीकेशन अन्तर्गत धारा 482 सीआरपीसी संख्या-39208/2024 मो० अहमद बनाम उ०प्र० राज्य व अन्य (मु०अ०सं०-594/2019 धारा 63 कापीराइट एक्ट, थाना फूलपुर कमिश्नरेट प्रयागराज) के सम्बन्ध में।

महोदय,

कृपया किमिनल एप्लीकेशन अन्तर्गत धारा 482 सीआरपीसी संख्या-39208/2024 मो० अहमद बनाम उ०प्र० राज्य व अन्य (मु०अ०सं०-594/2019 धारा 63 कापीराइट एक्ट, थाना फूलपुर कमिश्नरेट प्रयागराज) में मा० उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांक-03.09.2025 के अनुपालन में दिनांक-15.09.2025 को अधोहस्ताक्षरी द्वारा मा० न्यायालय के समक्ष उपस्थित होकर अभियोजन विभाग का पक्ष प्रस्तुत किया गया है।

मा० उच्च न्यायालय इलाहाबाद द्वारा सुनवाई उपरान्त दिनांक-15.09.2025 को निम्नवत आदेश पारित किया गया है-

HON'BLE SAURABH SRIVASTAVA, J.

1. In compliance to the earlier order dated 03.09.2025 Ms. Geeta Singh, I.G, Prosecution (Police) put her appearance. A concern has already been expressed by this court in respect of filing chargesheet specifically in those matters where some fictitious mark, logo, emblem or sign used by the accused which belongs to some prestigious companies but they have been implicated under the Copyright Act, 1957 which clearly demonstrates in respect of original art work which is mentioned under Section 63 which is re-produced below:-

"Section 63. Offences of infringement of copyright or other rights conferred by this Act.- Any person who knowingly infringes or abets the infringement of--

(a) the copyright in a work, or

(b) any other right conferred by this Act [except the right conferred by section 53A]; [shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:] Provided that [where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.]

Explanation.- Construction of a building or other structure which infringes or ~~which~~, if completed, would infringe the copyright in some other work shall not be an offence under this section."

2. The specific question has been put before I.G, Prosecution (Police) that is there any training or any procedure available for the Investigating Officers in respect of implicating accused under specific Section mentioned under the Special Acts. Positive response through I.G, Prosecution (Police) that there is a specific provision and practice available in the department that before preferring

H.C.V.

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chargesheet by concerned Investigating Officer, same has to be put up before Joint Director (Prosecution)/Senior Prosecuting Officer of the concerned district but practically in the lapse of the procedure might culminate the difficulty which came across by this court that the accused were implicated under Copy Right Act rather under Trade Mark Act. A positive assurance has been given by I.G, Prosecution (Police) alongwith Shri Patanjali Mishra, learned Government Advocate that specific allocation in shape of directives shall be issued within a short span of time to all concerned head of the Districts, Department of Police through which practice and procedure which is already available with the department for putting the charge sheets before the Joint Director (Prosecution)/Senior Prosecuting Officer of the concerned District, filing the same before learned court concerned to be approved or vetted.

3. Put up as fresh on 22.09.2025.

4. Interim order, granted earlier, is hereby extended till the next date of listing.

5. Shri Patanjali Mishra, learned Government Advocate is hereby requested to apprise this order to the Director General of Police alongwith I.G, Prosecution, (Police) so that the assurance as made by complied with without any delay in shape of instructions to be issued under the signatures of the Director General of Police, Uttar Pradesh and the same may be placed in records of this case.

6. The personal appearance of Ms. Geeta Singh, I.G, Prosecution (Police) is hereby exempted

7. Registrar (Compliance) is also directed to ensure service of this order upon Director General of Police, Uttar Pradesh within three days for necessary compliance by the next date fixed.

September 15, 2025

मा० उच्च न्यायालय इलाहाबाद द्वारा पारित उपर्युक्त आदेश में पुलिस महानिदेशक उत्तर प्रदेश के स्तर से आवश्यक दिशा-निर्देश निर्गत कर अवगत कराने की अपेक्षा की गयी है।

अतः आपसे अनुरोध है कि मा० उच्च न्यायालय इलाहाबाद द्वारा पारित आदेश दिनांक-15.09.2025 के अनुपालन में पुलिस महानिदेशक उत्तर प्रदेश के स्तर से आवश्यक दिशा-निर्देश निर्गत कराये जाने के संबंध में आवश्यक कार्यवाही कराने का कष्ट करें।

सलग्नक-यथोक्त।

भवदीय,

Digitally signed by
Geeta Singh

Date: 23-09-2025

17:42:07

(गीता सिंह)

पुलिस महानिरीक्षक अभियोजन,
उत्तर प्रदेश, लखनऊ।

प्रतिलिपि-

सचिव, गृह (पुलिस) अनुभाग-9, उ०प्र० शासन लखनऊ को सादर सूचनाार्थ।



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 39208 of 2024

Mohd Ahmad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	: Pravesh Kumar Vishwakarma, Sitesh Kumar
Counsel for Opposite Party(s)	: G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. In compliance to the earlier order dated 03.09.2025 Ms. Geeta Singh, I.G, Prosecution (Police) put her appearance. A concern has already been expressed by this court in respect of filing chargesheet specifically in those matters where some fictitious mark, logo, emblem or sign used by the accused which belongs to some prestigious companies but they have been implicated under the Copyright Act, 1957 which clearly demonstrates in respect of original art work which is mentioned under Section 63 which is re-produced below:-

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Provided that [where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.]

Explanation.-- Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section."

2. The specific question has been put before I.G, Prosecution (Police) that is there any training or any procedure available for the Investigating Officers in respect of implicating accused under specific

Section mentioned under the Special Acts. Positive response through I.G, Prosecution (Police) that there is a specific provision and practice available in the department that before preferring chargesheet by concerned Investigating Officer, same has to be put up before Joint Director (Prosecution)/Senior Prosecuting Officer of the concerned district but practically in the lapse of the procedure might culminate the difficulty which came across by this court that the accused were implicated under Copy Right Act rather under Trade Mark Act. A positive assurance has been given by I.G, Prosecution (Police) alongwith Shri Patanjali Mishra, learned Government Advocate that specific allocation in shape of directives shall be issued within a short span of time to all concerned head of the Districts, Department of Police through which practice and procedure which is already available with the department for putting the charge sheets before the Joint Director (Prosecution)/ Senior Prosecuting Officer of the concerned District, filling the same before learned court concerned to be approved or vetted.

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4. Interim order, granted earlier, is hereby extended till the next date of listing.

5. Shri Patanjali Mishra, learned Government Advocate is hereby requested to apprise this order to the Director General of Police alongwith I.G, Prosecution, (Police) so that the assurance as made by complied with without any delay in shape of instructions to be issued under the signatures of the Director General of Police, Uttar Pradesh and the same may be placed in records of this case.

6. The personal appearance of Ms. Geeta Singh, I.G, Prosecution (Police) is hereby exempted.

7. Registrar (Compliance) is also directed to ensure service of this order upon Director General of Police, Uttar Pradesh within three days for necessary compliance by the next date fixed.

September 15, 2025
Rakesh

(Saurabh Srivastava, J.)