

(1910) 02 MAD CK 0037

In the Madras High Court

In Re: Kanchi Doraisamy Mudaliar

Date of Decision : 28-02-1910

Acts Referred:

Penal Code, 1860 (IPC) — Section 482, 486

Citation : 6 Ind. Cas. 683

Hon'ble Judges : Sankaran Nair, J; Munro, J

Bench : Division Bench

Judgement

1. We do not think that the conviction under Sections 482 and 486, Indian Penal Code, can stand. The title-page of the alleged piracy and the title-page of the complainant's book are so different that we do not think any one is likely to have been misled. As to the illustration at the commencement of the book, we do not think it can properly be regarded as either a trademark or a properly mark. We, therefore, set aside the convictions under Sections 482 and 486, Indian Penal Code. The appellant is, however, clearly guilty under Sections 6 and 7 of Act IV of 1889. In the title-page of his book he has put the word copyright which is proved to be a false trade description. We confirm the conviction under these sections and reduce the fine imposed to Rs. 100 (one hundred) or 3 months' simple imprisonment in default.