



**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट

(धारा 154 वंड प्रक्रिया सहिता के तहत)

1. District (ज़िला): AMBALA P.S. (थाना): AMBALA CITY Year (वर्ष): 2016  
FIR No. (प्र.सू.रि. सं.): 0129 Date (दिनांक): 27/04/2016

S.No. (क्र.सं.)	Acts (अधिनियम)	Sections (धारा(एँ))
1	COPYRIGHT ACT, 1957	51
2	COPYRIGHT ACT, 1957	63
3	COPYRIGHT ACT, 1957	63B
4	COPYRIGHT ACT, 1957	65
5	COPYRIGHT ACT, 1957	68A
6	IPC 1860	120B
7	IPC 1860	420

3. (a) Occurrence of offence (अपराध की घटना):

1 Day (दिन): Intervening Days Date from (दिनांक से): 26/07/2013 Date To (दिनांक तक): 12/05/2014

Time Period (समय अवधि): Time From (समय से): 11:11 hrs Time To (समय तक): 11:11 hrs

(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई): Date (दिनांक): 27/04/2016 Time (समय): 15:45 hrs

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 011 Time (समय): 16:28 hrs

4. Type of Information (सूचना का प्रकार): Written

Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): SOUTH, 02 Km(s) Beat No. (बीट सं.): तीन

(b) Address (पता): Prop Uppal Di Hatti, Prop Uppal Di Hatti, AMBALA CITY HARYANA, ambala

(c) In case, outside the limit of this Police Station, then Name of P.S.:

(यदि थाना सीमा के बाहर है तो थाना का नाम): AMBALA CITY

District (State) (ज़िला (राज्य)): AMBALA (HARYANA)



6. Complainant / Informant (शिकायतकर्ता / सूचनाकर्ता):

(a) Name (नाम): Gopal dass executive anti piracy of super cassettes indu

Office Name (कार्यालय का नाम): AMBALA CITY AMBALA

Login IP (लॉग इन आईपी): 10.88.233.141

Official Name (आधिकारिक नाम): SURESH PAL

27/04/2016 17:07:26

User Name (यूजर नेम): 24160



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- (b) Father's/Husband's Name (पिता/पति का नाम):  
(c) Date/Year of Birth (जन्म तिथि / वर्ष): (d) Nationality (राष्ट्रीयता): INDIA  
(e) UID No. (यूआईडी सं.):  
(f) Passport No. (पासपोर्ट सं.):  
Date of Issue (जारी करने की तिथि): Place of Issue (जारी करने का स्थान):

(g) Occupation (व्यवसाय):

(h) Address  
(पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	E2/16, White House Ansari Road, darya ganj, New Delhi, darya ganj, New Delhi, AMBALA, DELHI, INDIA
2	Permanent Address	E2/16, White House Ansari Road, darya ganj, New Delhi, NEW DELHI, DELHI, INDIA

(i) Phone number (दूरभाष सं.): Mobile (मोबाइल सं.):

7. Details of known / suspected / unknown accused with full particulars (ज्ञात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S. No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)

8. Reasons for delay in reporting by the complainant / informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S. No. (क्र.सं.)	Property Type (सम्पत्ति के प्रकार)	Sub Type (उप प्रकार)	Value(In Rs/-) (मूल्य (रु में))

10. Total value of property stolen (In Rs/-) (चोरी हुई सम्पत्ति का कुल मूल्य(रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी.प्रकरण सं., यदि कोई हो):

S. No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

नकल दरखास्त जैल है - IN THE COURT OF LD. ILLAQUA MAGISTRATE, AMBALA. Criminal Complaint No. /2015 Gopal Dass executive anti piracy of super cassettes industries Private Limited (Formerly Known as Super Cassettes Industries Limited )office at E-2/16 , White House Ansari Road , Darya Ganj, New Delhi. Complainant Vs. 1. Prop .Uppal Di Hatti , Near Jaghadari Gate ,

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Ambala City. ... Accused person Complaint Under Section 420, 120- B IPC and section 51, 63, 63B,65and 68A of Copy rights Act ,1957 Pertaining to Police Station Sadar, Ambala cantt for sending the same U/s 156 (3) Cr.P.C. and for directing the SHO Sir, P.S. Ambala City to register FIR against the accused person. It is respectfully submitted as under:- 1. That the complainant is the executive (Anti piracy) of Super cassettes industries Private limited and authorized by the company to file police complaint /criminal complaint against who are infringing Copyrights by downloading the contents of the above said company. permanent residence of above mentioned. 2. That in the month of March 2015 super cassettes industries private limited (herein after called company) come to know that many persons / firms are infringing the contents of the above said company by downloading the contents in respect of literary, dramatic, musical and artistic works or sound recording through data cards sd cards , pen drives and its variants that are used primarily in mobile and handheld devices. These persons are dealing with the infringing copies of copyrights / works etc in the form audio songs, ringtones ,etc. 3. That on dated 01-03-2015 the complainant got against the accused person that he is knowingly infringing the right of the above said company by selling the song of the above said company . 4. That to perform his duty the complainant went to the shop of accused person namely Uppal Di Hatti on dated 15-03-2015.The complainant asked the accused for inserting song in pen drive in which Two songs namely Galliyen -Ek Villian and Milna he mujhse Aayi from the movie aashiqui 2 was also to be downloaded in a pen drive which was purchased from the shop of accused The accused insert the songs in the Memory Card by charge of Rs 300. The video recording of this incidence is also submitted as Annexure A. 5. That the accused person downloaded the song in his computer on dated 26-07-2013 and 12/05/2014 and sale by way of downloading on dated 15-03-2015. the title of the song was got registered through the above said company by the registrar of copyright , Copyright office government of India New Delhi. The registration number of songs are SR-11065/2014 and SR-10171/2013 respectively. 6. That the accused person knowingly infringed the right of the complainant by selling the song without the permissions of complainant.7 That on 02.07.2015 the complainant moved an application to the area Police station against the accused persons and report the matter to the SHO but they did not take any action after this on dated 22.08.2015 the complainant appeared before the D.C.P. Ambala and requested to lodged FIR against the accused persons but D.C.P. did not take any cognizance regarding the said complaint. 8 That the police have failed to perform their duty till date. Thus the inaction of police station Ambala city is against the mandate of law laid down in case of Mohindra Singh Vs. State of Punjab reported in 2007 (1) RCR Criminal page 535 (P&H) a latest judgement passed in case titled as Lalita Kumari Vs. Govt of UP.P. etc reported in 2013 (4) RCR (Cri) Page 979 S.C.. The Hon'ble court laid down a clear law that the registration of FIR is mandatory U/s 154 Cr.P.C. that under the pecuniary circumstances in action on the part of police station is against mandate of law. Under the pecuniary circumstance the complainant has no other option and thus approaching the Hon'ble court by the criminal misc. petition U/s 156(3) Cr.P.C. to pass appropriate order in the matter. 9. That the accused knowingly infringed the copyright of the complainant by selling the song without the permission of complainant therefore accused have thereby committed offences punishable under section 420, 120-B IPC and section 51, 63,63B 65and 68A of Copy rights Act ,1957 the accused deserves to be punishable for their wrongful and illegal acts. 10. That the offence in question has been committed by the accused at Ambala Cantt, which is within the territorial and triable jurisdiction of this Hon'ble Court. It is, therefore, respectfully prayed that keeping in view the above detailed circumstances, present application may be accepted and accompanying complaint may be forwarded to the S.H.O. of the police station Ambala Cantt for the registration of an F.I.R. and Investigation of the case in exercise of powers U/s 156 (3) of the Cr.P.C. in the interest of justice and any other relief which this Hon'ble court deems fit and proper may be passed in favour of complainant in the interest of justice. Sd gopal dass , Goal Das Executive(AntiPiracy)Super Casstes India Private Limited. ...Complainant Dated :- 5/4/16 Through Counsel Gopal Dass Vs. Uppal Di Hatti Present: Complainant in person with Shri Saurabh Ahuja, Adv. Complaint has been presented before me today being Illaqa Magistrate with a request to send the same to the concerned SHO under Section 156(3), Cr.P.C. Heard. Perusal of the case file shows that a cognizable offence is made out against the accused. Therefore, the present complaint is, hereby, sent under Section 156(3), Cr.P.C. to the concerned SHO for registration of the FIR and investigation as per law. Record be maintained accordingly. Sd ashu kumar jain (Ashu Ku ar Jain) CJM , Ambala. 05.04.2016 :- अज धाना:- परिवाद जेर धारा 156(3) Cr.P.Cकोर्ट श्री Sh. Ashu Kumar Jain CJM, Ambala dt 04-01-16 थाना अम्बाला शहर में प्राप्त होने पर मुकदमा नम्बर 129 दिनांक 27-04-16 धारा 420,120-B IPC , 51,63,63B,65 ,68 A COPY RIGHT ACT 1957 थाना अम्बाला शहर दर्ज रजिस्ट्र क्रिया जाकर नकल मिश्रल पुलिस मय असल परिवाद वा आदेश आगामी तफतीश हेतु SI ईन्चार्ज बलकार सिंह पुलिस चौकी न0 3 थाना अम्बाला शहर के पास बदस्त सिपाही राजेश कुमार के द्वारा भेजी जा रही है। प्रथम सूचना रिपोर्ट की प्रतियां बजरिया डाक ईलाका मैजिस्ट्रेट साहब, D.C.P. साहब, A.C.P. साहब वा अन्य सम्बन्धित शाखाओं को भेजी जावेगी। प्रबन्धक अफसर को बजरिया टेलीफोन सूचित गया। इन्द्राज रिकार्ड विधि अनुसार किया गया

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13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.  
(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है.):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया): or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Balkar Singh Rank (पद): Asst. SI (Assistant Sub-Inspector)

No. (सं.): si to take up the Investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए): or (के कारण इंकार किया या)

(4) Transferred to P.S. (थाना): District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित).

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर.ओ.ए.सी.)

Signature of Officer in charge, Police Station  
(थाना प्रभारी के हस्ताक्षर)

Name (नाम): Suresh Pal

Rank (पद): SI (Sub-Inspector)

No. (सं.): 369A

14. Signature / Thumb impression of the complainant / informant  
(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान)

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

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4/4