

Abdul Sovan Vs. Ramani Mohan Chatterjee

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Court : Kolkata

Decided On : Jul-15-1930

Reported in : AIR1930Cal664

Appellant : Abdul Sovan

Respondent : Ramani Mohan Chatterjee

Judgement :

Jack, J.

1. The petitioner has been convicted under Section 485, I.P.C., and sentenced to a fine of Rs. 500 on the ground that he was in possession of a mould for counterfeiting the trade-mark of G. Ghose, the manufacturer of hair oil. The rule was issued on the ground that the trade-mark was a combination trade-mark and possession of moulds for counterfeiting a part of the mark did not amount to an offence under Section 485, I.P.C. It appears that the trade-mark consisted of an impression moulded in the glass of which the bottles are made, together with the label, and these moulds were for making the impression on the glass of the bottle. Under Section 485, I.P.C., whoever has in his possession any die for the purpose of counterfeiting the trade-mark is liable under the section. There can be no doubt in this that the mould in question was intended for the purpose of counterfeiting this trade-mark although the apparatus for counterfeiting the label which would complete the trade-mark has not been found, and inasmuch as this mould was

certainly meant to be used in order to counterfeit the trade-mark the petitioner has rightly been held liable under Section 485, I.P.C.

2. The Rule is therefore discharged. The petitioner will surrender to his bail bond and serve out the remainder of his. sentence.

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