

Preface

Is the offence covered under s 63 of the Copyright Act a ‘cognizable offence’? This question was raised before the Kerala High Court in *Suresh Kumar v The Sub Inspector of Police* AIR 2007 Ker 212, 2007 (3) KLT 363, ILR 2007 (3) Ker 36. Answering this question Hon’ble Justice Basant observed as follows:

“Parliament has divided all offences under special laws into three categories. They are:

1. punishable with death, imprisonment for life, or imprisonment for more than 7 years.
2. punishable with imprisonment for 3 years, and upwards but not more than 7 years.
3. punishable with imprisonment for less than 3 years or with fine only.”

In simple language this means that there can be three categories of cases depending upon the maximum sentence which can be imposed. The first one deals with the offences which are punishable with imprisonment for more than 7 years. Those offences, for which punishment imposable is 7 years, do not come within this first clause.

The second category is the class of offences in which imprisonment is for 7 years and less. If punishment imposable is 7 years and is more than three years, the offences would fall within the second category. The Parliament which used the expression “for more than 7 years” to identify the first category had very cautiously used the words “3 years and upwards, but not more than 7 years” to identify the second category. The offences punishable with imprisonment for 3 years up to 7 years, both inclusive, will fall under this category.

The third category is that of the offences punishable with imprisonment for less than 3 years or fine. Those punishable with imprisonment for three years do not come within this category evidently.

This judgment serves as a source of inspiration for writing this book. It is time consuming if not difficult to classify the offences under special statutes since many statutes are silent about the procedure. This book is an attempt to resolve the problem and I sincerely hope that this book will be appreciated by all those who are dealing with criminal law. I express my sincere thanks to Hon’ble Mr Justice Basant for his inspiring foreword. I also owe a deep debt of gratitude to Hon’ble Justice AK Basheer, Justice K Hema and Justice V Giri who continue to inspire me to write. I also acknowledge the guidance and support given by my senior L Linton, Advocate. My special thanks are due to George G Poothicote and G Mohan Raj, Advocates for their valuable contributions to this book. I am also indebted to Mr Yengaraman (SWAMY) and Advocate OV Mani Prasad for their valuable suggestions. I also acknowledge the support given by Mr Arun Khanna, Mr Moty John, Mr Nizam and Advocate Abdul Jabbar TP. At last but not the least is the acknowledgement due to the support given by my publishers LexisNexis Butterworths especially by Sheeba Bhatnagar, Debarati Banerjee, Seema Soni and R Rajesh.

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