

FIRST INFORMATION REPORT

2502

1. Dist Purnulia Sub-Div Membehara PS Kendra Year 2017 FIR No. 23/17 Date 12/4/17
 2. i) Act IPC Sections 409/120B ii) Act Copyright - 1957 Sections 31/51/63/65/69
 iii) Act Sections _____ iii) Other acts & Sections 17 Cable Television Network (Regulation) Act - 1995
 3. a) General Diary Reference: Entry No. 377
 b) Occurrence of Offence: Day Tuesday Date 11/4/17 Time 11:45 to 11:55 P.M.
 c) Information received Date 12/4/17 Time 16:35 Hrs. GD No. 377 at the P.S.
 4. Type of Information Written
 5. Place of Occurrence: a) Direction and Distance from P.S. At the House of Acc. Sanjoy Singh of Kendra village
 b) Address S.K.M. North from PS Kendra Dist - Purnulia
 c) In case outside limit of the Police Station, then the name of P.S. Patna District Purnulia
 6. Complainant / Informant:
 a) Name MUKESH KUMAR OJHA
 b) Father's / Husband's Name S/O Lakshman Ojha
 c) Date / Year of birth 23/7/55 d) Nationality Indian
 e) Address (House No. 59 D, Kendra, P.O. East Patel Nagar, L.P.S. Nagar, P.O. L.P.S. Nagar, P.S. S.K. Puria Dist - Patna (Bihar))
 7. Details of known / suspected / unknown / accused with full particulars
 (Attach separate sheet, if necessary):

1) Mr. Sanjoy Singh of M/s Sanjoy Singh Cable (GTPCL KCBPL) and his proprietor / Partner / Employees / Engineers / Technicians / Sub-operators / Franchisees of village - Kendra, PS Kendra, Dist - Purnulia (WB) (LCO)
 2) M/s GTPCL Kolkata Cable and Broadband Services Ltd. (MSO) and their proprietor / Partners / Employees / Engineers / Technicians / Sub-operators / Franchisees and other unknown accused persons

8. Reasons for delay in reporting by the complainant/Informant x
 9. Particulars of properties stolen / involved: (Attach separate sheet, if required) x
 10. Total value of properties stolen / involved x
 11. Inquest report / D Case no., if any x
 12. FIR Contents: (Attach separate sheets, if required)

The original written complaint of the complainant which is enclosed here with reproduced copy sent
 Sent 5
 12/4/17

13. Action taken: Since the above report reveals commission of offence(s) under 409/120B, IPC & 37/51/63/65/69 of the Copyright Act - 1957 & 17 Cable Television Network (Regulation) Act - 1995
 registered the case and took up the investigation directed S.I. Phalgun Kumar to take up the investigation/transferred to P.S. Kendra on point of jurisdiction. FIR read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/Informant free of cost.

Mukesh Kumar Ojha
 Signature/Thumb impression of the Complainant/Informant

Signature of the Officer-in-Charge SEKHAR KR. MITRA
 Name: SEKHAR KR. MITRA
 Rank: S.I. of Police, D/O, Kendra PS
 Number if any Dist - Purnulia Date: 12/4/17

DR-784/17

Date: 12.04.17

To: शांत प्रगारी,

केवदा शाता, केवदा
जिला - पुरनलिया

Subject: Complaint under Section 409, 120B of the Indian Penal Code, 1870 read with Sections 37, 51, 63, 65 and 69 of the Copyright Act, 1957.

Dear Sir,

1. The instant complaint is filed on behalf of Star India Pvt. Ltd. ["Company"], a company incorporated under the Companies Act 1956, having its registered office at Star House, Urmi Estate, 95 Ganpatrao Kadam Marg, Lower Parel (West), Mumbai - 400 013 and Corporate office at Plot No. 77, Institutional Area, Sector 32, Gurgaon, Haryana-122 001.
2. Mr. Bikash Singh of the address Temple Chambers, First Floor, 6 Old Post Office Street, Kolkata- 700 001, is an authorized representative of the above mentioned Complainant by way of the Power of Attorney executed in his favour on 15th March, 2017. Mr. Bikash Singh has delegated powers in favour of Mr. Mukesh Kumar Ojha / Ms. Triloki Singh / Mr. Aditya Jha, an individual IPR consultant (engaged in the services of Anti-piracy operations and enforcement), operating under the name and style of M/s. Ayoneeza & Themis located at 201, Manav Enclave, Vivekananda Road, Pataliputra, Patna - 800 013 ["Complainant"] to file the present complaint.

3. The Complainant company owns, manages, controls and broadcasts several pay

Received on 12/4/17
at 16:35 hrs on 12/4/17
Star India Pvt. Ltd.
D.S. Case No - 23/17
12/4/17
409/120B IPR
2. 37/51/63/65/
69 of the Copy
Right Act - 1995
and 17 Cable
Television Net
work (Regulation)
Act - 1995

channels such as "Star Gold", "Star Movies", "Star One", "Life OK", "Star Plus", "Star World", "Channel [V]", "Star Gold Action" ("Star Diamond"/"Gold Action"/"Movies OK"), "Star Movies Action" ("Star Tangent"/"Fox Action Movies"), "Jalsha Movies" ("Star Bengali"), "Star Plus HD", "Star Gold HD", "Star World HD", "Star Movies HD", "Star World Premiere HD" ("Star Asha"), "Life OK HD", "FX", "Fox Crime", "Star Pravah", "Star Jalsha", "Vijay", "Asianet", "Asianet Music"/"Asianet Plus", "Asianet Suvarna"/ "Suvarna"), "Asianet Suvarna Plus" (earlier "Sitara"),

"Asianet Chiri" / "Asianet Movies", "Star Sports 1", "Star Sports 2", "Star Sports 3", "Star Sports 4", "Star Sports HD 1", "Star Sports HD 2", "Star Sports HD 3", "Star Sports HD 4", "National Geographic", "National Geographic HD", "Fox Traveller"/"Fox Life", "Nat Geo People", "Nat Geo Wild" and "Baby TV", "Maa TV", "Maa Movies", "Maa Gold" ("Star Channels") etc. in India. Star Channels are pay channels and their signals are encrypted/ scrambled. Only the licensed/ authorized Multi System Operator [MSO]/ Local Cable Operator [LCO] can transmit Star Channels to the subscribers

4. The Complainant Company is the owner of all rights, titles, interests and intellectual property rights, including the Broadcast Reproduction Rights under the Copyright Act in the above named Star Channels. Only the licensed/ authorized Multi System Operator [MSO]/ Local Cable Operator [LCO] can transmit Star Channels to the subscribers. It is pertinent to mention that even the licensed / authorized MSO/ LCO are governed by territorial limitations and such MSO/ LCO are under strict contractual obligation to confine the area of their services strictly to the one for which they are respectively authorized / licensed. Further any person doing so would also infringe the copyright of the Complainant Company as defined under Section 51 of the Copyright Act, 1957 and would also infringe the Broadcast Reproduction Rights of the Complainant Company under Section 37 (3) of the Copyright Act, 1957. The Cable Channel signals are goods as per section 2 (7) of the Sale of Goods Act. Further, Section 4A of the Cable Television Networks (Regulation) Act, 1995 makes it obligatory upon every cable operator to transmit or re-transmit programs of any channel in an encrypted form.
5. That Mr. Sanjay Shing of M/s. Sanjay Shing Cable (GTPL KCBPL), a local cable operator (LCO) located in Village & Post Office – Kenda, Police Station – Kenda, District – Purulia, Pin Code – 723131, West Bengal, is a Cable Operator, who without a valid license from the Complainant Company has been illegally transmitting Star Pay Channels in the area of Kenda, Purulia, West Bengal by taking the feed from the M/s. GTPL Kolkata Cable and Broadband Pariseva Limited a Multi System Operator (MSO), who is a licensee of the Company vide Memorandum of Understanding (MOU) dated 10th December, 2015 amended on 15th December, 2016 for transmission/re-transmission of Star Pay Channels and also the said Affiliate was

disconnected as per the circular dated 30th March 2017 issued by Ministry of Information and Broadcasting, Government of India. That after the disconnection of signals, the network is not authorized to retransmit Star Channels Further, the DAS operators are under an obligation to encrypt the signals and transmit the same only in a digitally addressable mode within the permitted DAS areas.

6. It has come to the knowledge of the Complainant that the proprietor / partners / engineers / technicians of said local cable operator (LCO), in collusion and connivance with its affiliate M/s GTPL Kolkata Cable and Broadband Pariseva Limited are illegally transmitting / re-transmitting signals of Star Pay Channels in the area of Kenda, Purulia, West Bengal. The aforesaid illegal retransmission is deliberate breach of the terms of entrustment contained in the Agreement, under which the Complainant Company entrusted its property (signals of Star Pay Channels) to the MSO, who is a merchant.
7. In order to secure the technical electronic evidence of illegal transmission against the (LCO) and the MSO, the complainant did a video recording on 11.04.2017 in between 11.45 p.m. to 11.50 p.m. locally in a residential house at Kenda bazar, Main Road, District - Purulia, West Bengal.
8. In the video recording, transmission/ re-transmission of the Star Pay Channels namely Star Jalsha Bengali at local Channel No. 09, with Finger Print (FP) No. 000FBA82, Star Jalsha Movies at local Channel No.13, with Finger Print (FP) No. 000FE941, Star Plus at local Channel No.24 have been captured. The above said F.P. No. pertains to corresponding IRD Boxes of M/s. GTPL Kolkata Cable and Broadband Pariseva Limited, which clearly establishes the fact that the said MSO without any authorization is illegally providing to the LCO its digital feed entrusted to it for DAS Phase III Notified areas for illegal re-transmission in DAS Phase IV notified areas of Kenda, Purulia, West Bengal which is in breach of the terms of entrustment. It is a clear case of area transgression by the said MSO in contravention of the terms of the entrustment between the MSO and the Company. The video recording (CD/DVD) of the same is being submitted along with this complaint as evidence.

9. The said LCO and the MSO in collusion with each other and in contravention of the terms of the entrustment between the MSO and the complainant Company have been transmitting / re-transmitting the above named Star Pay Channels amounting to criminal breach of trust punishable under section 409 of the Indian Penal Code, 1860.
10. The aforesaid act of said LCO and the MSO amounts to criminal breach of trust under section 409 IPC 1860 as the said MSO is a merchant [who takes signals of Star Channels in bulk from the Company] and in the course of its business, re-transmits signals of Star Channels in retails to subscribers. Hence, the illegal transmission / re-transmission of Star Pay Channels in the area of Kendra, Purulia, West Bengal by the LCO is in breach of the terms of the entrustment amounting to criminal breach of trust by merchant and punishable under section 409 of Indian Penal Code. Furthermore, the act of Mr. Sanjay Shing of M/s. Sanjay Shing Cable (GTPL KCPPL) (LCO) also amounts to infringement of the Complainant's Broadcast Reproduction Rights under Sections 37 and 51 respectively of the Copyright Act, 1957, which is punishable under Sections 63, 65 and 69 of the Copyright Act, 1957.
11. It is further submitted that, the aforesaid unauthorized transmission or re-transmission of the Star Channels by Mr. Sanjay Shing of M/s. Sanjay Shing Cable (GTPL KCPPL) (LCO) in collusion and connivance with M/s. GTPL Kolkata Cable and Broadband Pariseva Limited (MSO) also amounts to an offence u/s 120B of the Indian Penal Code as the said LCO has hatched a criminal conspiracy along with above named MSO for illegally showing the above mentioned Star Pay Channels to the viewers / subscribers in Kendra, Purulia, West Bengal.
12. The actions of both Mr. Sanjay Shing of M/s. Sanjay Shing Cable (GTPL KCPPL) (LCO) and M/s. GTPL Kolkata Cable and Broadband Pariseva Limited (MSO) are causing substantial loss of revenue per month to the Complainant Company and also to the Govt. Exchequer in terms of entertainment taxes.
3. In the light of facts stated above herein, you are requested to take cognizance in the above said matter and register an First Information Report (FIR) under section 409, 120B of IPC, including sections 37, 51, 63, 65, 69 of Copyright Act against—

- i) Mr. Sanjay Shing of M/s. Sanjay Shing Cable (GTPL KCBPL) (LCO) located at Village & Post Office – Kenda, Police Station – Kenda, District – Purulia, Pin Code – 723131, West Bengal, and their Proprietor / Partner / Employees / Engineers / technicians (Sub-Operators / Franchisees).
- ii) M/s GTPL Kolkata Cable and Broadband Pariseva Limited (MSO) and their Proprietor / Partner / Employees / Engineers / technicians (Sub-Operators / Franchisees).
- iii) Other known / unknown accused based on this complaint and attached evidence that clearly shows the illegal transmission of aforesaid Star Channels.

You are further requested to take all necessary steps, for preventing the commission of offence of infringement of broadcasting rights of the Complainant Company, more particularly under Section 64 of the Copyright Act, 1957, in order to stop piracy of this cognizable offence including seizure of the equipment being used in the piracy, arrest of all the accused known/un-known and any other action, as deemed fit by your good self.

Place:

Mukesh Kr. Ojha
(7033962631)

Date:

Enclosures:

1. Power of Attorney dated 15th March 2017 issued by Star India Pvt. Ltd. (SIPL);
2. Power of Attorney/Authority issued by Mr. Bikash Singh.

Complainant
S/o - Lakshman Ojha
House No. 59D, Road No: 06
East Patel Nagar, L.B.S. Nagar
Patna - 80002
P.O. - L.B.S. Nagar
P.S. - S.K. Pur
Thana
District - Patna
State - Bihar

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