

[SC] Copyright Act, 1957 , S. 63 and 65 - Offence under Section 63 of Copyright Act is a cognizable and non-bailable offence - Offence under Section 63 of the Copyright Act, the punishment provided is imprisonment for a term which shall not be less than six months but which may extend to three years and with fine - Therefore, the maximum punishment which can be imposed would be three years - Therefore, the learned Magistrate may sentence the accused for a period of three years also. - In that view of the matter considering Part-II of the First Schedule of the Cr.P.C. if the offence is punishable with imprisonment for three years and onwards but not more than seven years the offence is a cognizable offence - Only in a case where the offence is punishable for imprisonment for less than three years or with fine only the offence can be said to be non-cognizable - Cr.P.C. First Schedule , Part-II.

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