

iCe

November 08, 2005

CIVIL DISPUTE OR CRIMINAL OFFENCE?

Subsequent to our iCe Hotline dated October 15, 2005 which was sourced from a news article in The Hindu, the daily newspaper has published on October 19, 2005, the stand of the four lawyers accused of a "criminal breach of trust" by their former law firm in a follow-on story. The Hindu has quoted the allegation of the accused that the case by their former law firm was "motivated by personal vendetta".

On the issue of the court's denial to stay criminal proceedings or quash the FIR, Alishan Naqvi, one of the accused, clarified in the report that the counsel for the accused /petitioners did not press for quashing of the FIR and that their petition was treated as a petition for the grant of anticipatory bail under Section 438 of the Criminal Procedure Code, 1908. The court has allowed the anticipatory bail applications of all the accused.

Naqvi is reported as stating that the argument of the petitioners being employees was only recorded by the court and was not a finding by the court. The parties to the criminal proceedings have filed civil proceedings in the Delhi High Court in relation to copyright and ownership issues. Naqvi is also quoted as saying that the matter was in the nature of a civil dispute which had been given the colour of a criminal offence.

The article of The Hindu referred to above can be accessed at:

Source: The Hindu, Delhi edition, October 19, 2005

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