

S. P. S. Jayam and Co.

Vs

Nehrusadan and Another

Criminal Appeal No. 226 of 1975

(Y. V. Chandrachud, P. K. Goswami, P. N. Shinghal JJ)

01.04.1977

JUDGMENT

CHANDRACHUD, J. –

1. We have compared the disputed labels and are quite surprised to find that the High Court through that there is a "vital difference" between the two sets of labels. Far from there being any such difference, we find that in all material respects the labels are similar in lay-out and design. In any event, this was hardly a matter in which the High Court, in the exercise of its revisional powers, should have interfered with the concurrent finding of fact recorded by the Courts below that there was an imminent and real possibility of deception of an unwary purchase on account of the similarity of the labels.

2. Accordingly, we set aside the judgment of the High Court and restore that of the Sessions Judge, Madurai, dated April 26, 1972.

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