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JUDGEMENTOPEDIA

(Learning Judgements For A Living)

- 1 Can an AI platform or youtube channel use AI generated voice of singers without consent and does that affect their personality rights?
- 2 What is the importance of custodial interrogation in economic offences?
- 3 How is the term "aggravated sexual assault" interpreted under the POCSO Act?
- 4 Guidelines to be followed while trying a case under the POCSO Act, 2012
- 5 Supreme Court's directive on the standard of proof in Motor Accident claims



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- 1 Arijit Singh vs. Codible Ventures
LLP & Others
- 2 Anurav Jaju And Others Versus State
Of Nct Delhi & Another
- 3 Raju Prasad v. State of Sikkim
- 4 Alakh Alok Srivastava vs Union Of
India
- 5 Mathew Alexander versus
Mohammed Shafi and Anr.



Can an AI platform or youtube channel use AI generated voice of singers without consent and does that affect their personality rights?

CONTEXT: The issue in this case was that the voice of Arijit Singh was used without permission for commercial gain by the defendants who are AI platforms and YouTube channels violating Section 38B of the Copyright Act,1957. The defendants have used Real Voice Cloning method for creating content in the voice of Arijit Singh thereby infringing upon the personality rights and goodwill of the singer. The other significant issues raised in the case include unauthorized sale of merchandise bearing plaintiff's name, image and likeness and falsely representing association with plaintiff.

1 The Court held that “Making AI tools available that enable the conversion of any voice into that of a celebrity without his/her permission constitutes a violation of celebrity’s personality rights.”

2 They further held the balance of convenience in favour of the plaintiff and issued an ad interim injunction which also operates as a dynamic injunction barring the defendants from doing such acts.

PRECEDENT RELIED UPON:

1.Karan Johar Vs. Indian Pride Advisory Pvt. Ltd & Others [Interim Application (L) No. 17865 of 2024 in Commercial IPR Suit (L) NO.17863 of 2024]

ARIJIT SINGH VS.
CODIBLE
VENTURES LLP &
OTHERS
[INTERIM
APPLICATION (L)
NO. 23560 OF 2024
IN COM IPR SUIT (L)
NO.23443 OF 2024]

THE COPYRIGHT
ACT, 1957

What is the importance of custodial interrogation in economic offences?

CONTEXT: The complainant was one of the Directors and Shareholders of SNEPCL who was not involved in the company's day-to-day affairs. She discovered that two different loans were obtained in the name of SNECPL from CIFCL vide sanction letters, and property worth Rs.10 crore was also mortgaged. She contended that her signature was forged on these loan applications. The petitioners sought anticipatory bail concerning the allegations of economic offences.

1 The judges referred to the precedent *Y.S. Jagan Mohan Reddy v. CBI* [(2013) 7 SCC 439], which stated that “economic offences constitute a class apart and need to be dealt with a different approach in the matter of bail.”

2 The Court held that “granting anticipatory bail to the applicants would prejudice the investigation in the present FIR. The offences against the applicants are serious in nature. Custodial investigation of the applicants is required.”

3 The interim protection granted was vacated, and the bail application was dismissed.

**ANURAV JAJU AND
OTHERS VERSUS
STATE OF NCT DELHI
& ANOTHER
[LNIND 2024 DEL
1155]**

**CODE OF CRIMINAL
PROCEDURE, 1973**

**THE INDIAN PENAL
CODE, 1860**

How is the term "aggravated sexual assault" interpreted under the POCSO Act?

CONTEXT: This case is an appeal against the conviction of the appellant under Section 9(m) of the POCSO Act, 2012, for aggravated sexual assault on a minor victim aged 11 years.

1 The appellant was convicted by the Special Judge for forcibly kissing and hugging an 11-year-old minor victim in the back seat of a car. The conviction was based on the testimony of the victim and corroborating evidence from eyewitnesses (the victim's schoolmates). The appellant challenged the conviction on the grounds of contradictory statements by the victim and the non-examination of certain witnesses.

2 The High Court found that the victim's testimony remained consistent on crucial facts and that the non-examination of additional witnesses was inconsequential. The Court determined that forcibly kissing and hugging a child below 12 years of age constitutes "aggravated sexual assault" under Section 9(m) of the POCSO Act, 2012.

3 The Court broadly interpreted "sexual assault" under the POCSO Act, holding that forcibly kissing and hugging a minor involves physical contact with sexual intent, even without penetration.

The High Court dismissed the appeal, upholding the conviction under Section 9(m) of the POCSO Act, 2012.

4 The Court affirmed the sentence of 5 years simple imprisonment and a fine of Rs. 1000/-, the minimum prescribed punishment under Section 10 of the POCSO Act, 2012.

RAJU PRASAD V.
STATE OF SIKKIM
[CRIMINAL APPEAL
NO. 17 OF 2018]

PROTECTION OF
CHILDREN FROM
SEXUAL OFFENCES
ACT, 2012

INDIAN PENAL
CODE, 1860

Guidelines to be followed while trying a case under the POCSO Act, 2012

CONTEXT: A writ petition was filed about a case where an eight-month-old female child had been the victim of crime committed under The Protection of Children from sexual offences Act, 2012, where the petitioner urged that there should be speedy disposal of cases and requested the court to issue direction in regards to the same.

The court issued the following directives:

① The Special Courts should be established to fast-track cases and complete the trial within a time-bound manner or within a specific time frame under the Act.

② The Chief Justices of the High Courts are requested to constitute a Committee of three Judges to regulate and monitor the progress of the trials under the POCSO Act.

③ The Director General of Police of the States shall constitute a Special Task Force to ensure proper investigation.

④ The High Courts shall take adequate steps to provide a child-friendly atmosphere in the Special Courts.

ALAKH ALOK
SRIVASTAVA VS
UNION OF INDIA
[MANU/SC/0489/2
018]

**PROTECTION OF
CHILDREN FROM
SEXUAL OFFENCES
ACT, 2012**

Supreme Court's directive on the standard of proof in Motor Accident claims

CONTEXT: The Supreme Court addressed a petition for compensation for death or injury in a road accident. It clarified that the Motor Accident Claims Tribunal should apply the standard of preponderance of probabilities, not beyond reasonable doubt. The criminal investigation report does not impact the claim petition's merits.

1 The Supreme Court stated, "A holistic view of the evidence has to be taken into consideration by the Tribunal. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident."

2 The Court set aside the Kerala High Court's order, noting, "The opinions expressed..is, in our view, not a correct and proper approach adopted by the High Court. Hence, the impugned order of the High Court is liable to be set aside on this short ground alone."

MATHEW
ALEXANDER
VERSUS
MOHAMMED SHAFI
AND ANR.
[2023 INSC 621]

MOTOR VEHICLES
ACT, 1988