
CASE COMMENT: ASIAN PAINTS LIMITED VS RAM BABU (2025 INSC 828)

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ABSTRACT

Can a corporate body be recognized as the victim in the eyes of the law, or is there any other specific provision given in the CrPC? Who has the right to appeal when a corporate entity whose intellectual property rights have been violated, or is it exercised by somebody else? These long-overlooked questions have been addressed and have reshaped the criminal jurisprudence with corporate participation. This case comment evolves with factual, legal and jurisprudential far-reaching implications where the union of criminal law and intellectual property law intersects. In the case of Asian Paints Limited vs Ram Babu, how Supreme Court redefined the meaning of the victim as given in the 2(wa) of the Code of Criminal Procedure and upheld the right to appeal for corporate entities under the proviso to Section 372 CrPC. The Judgement highlights transformative questions, recognizes reputational harm and harmonizes criminal procedure with commercial realities where corporate rights are inclusive of interpretation of victimology.

Keywords: Corporate victim, CrPC Appeal, section 372, section 2(wa), Intellectual property, counterfeiting, criminal Justice and victim rights.

FACTS

A reputed paint manufacturer named Asian Paints Limited, a public limited company which has been known for its legacy spanning about 73 years, has its head office located in Mumbai, Maharashtra, and discovered that there has been a circulation of fake paint in the market that depicts its trademark and genuine packaging. To safeguard its intellectual property rights, the company granted legal authority or power of attorney to M/S Solution, An Intellectual property rights-based consulting firm, to investigate the matter and take legal action against entities that have been illegally using its name and infringing its copyrights.

On February 6, 2016, Mr Pankaj Kumar Singh, an investigator from the consulting firm M/S Solution, conducted a raid at the desired location, Ganpati Traders, Ram Babu's store in Rajasthan, where he found twelve buckets of counterfeit Asian Paints, identified as the original products. Among them were four buckets of Ace emulsion paint (20 litres) and four buckets of tractor emulsion paint (10 litres each). When they checked the buckets, they found 4 of 28 company marks at the bottom. Fraudulent products were seized by the police, and Ram Babu was immediately taken into custody at the store. An FIR (30/2016) was lodged against Ram Babu for committing an offence of cheating (section 420)¹, criminal conspiracy (section 120B),² and copyright violations (sections 63 and 65)³. A closure report was submitted by the investigating officer, and fake paints were confirmed by the state⁴ forensic science laboratory with a Report on 28.07.2016. At the trial, Ram Babu was found guilty of charges which were framed against him and sentenced to 3 years of simple imprisonment along with a fine of Rs 10,000 /- under section 420 of IPC, 2 years of imprisonment with a fine of Rs 50,000/- and section 63 of copyright Act was punished with 1-year simple imprisonment and a fine of Rs 10,000/- However, on appeal, Ram Babu was acquitted by the first appellate court, citing insufficient evidence. An Asian paint manufacturer approached the Rajasthan High Court for an appeal in this matter under Section 2(wa) read with the proviso to Section 372 of the CrPC⁵, claiming themselves as the "victim." The court rejected the appeal on that ground; the Asian Paints manufacturer was neither the complainant nor the victim in the case. Later, the same

¹ Indian Penal Code, 1860, s 420

² Indian Penal Code, 1860, s 120 B

³ The Copyright (Amendment) Act, 1992, s 63 & 65

⁴ Supreme Court of India, <https://share.google/38j5RIZPYqDuhYCo8> (Last Visited 19 October 2025)

⁵ Code of Criminal Procedure, 1973, s 372

matter went to the Supreme Court by framing a question whether the Asian paint manufacturer could be treated as the victim and had a right to challenge an acquittal order.⁶

ISSUE RAISED

1. Whether the appeal was filed under the proviso of section 372 of the Code of Criminal Procedure is maintainable or not against the order passed in appeal of 374 of CrPC?
2. Whether the Asian paint manufacturer could claim the status of a victim or not for the purpose of filing an appeal under the proviso of section 372 of the CrPC before the trial court?

CONTENTION OF APPELLANT

The Primary contention of learned counsel of the appellant pertains that the word “victim”, which has been defined in section 2(wa) of the Code of Criminal Procedure where if this section is read directly, gives a literal and clear interpretation and includes the appellant unquestionably within the ambit. Learned counsel further argued that the expression “*Person*” is also incorporated within section 2(wa) of the Code of Criminal Procedure⁷, which must be understood with section 11 of the Indian Penal Code (IPC)⁸, in which it not only includes an individual but also covers a company, association, or body of persons, irrespective of corporate status. Consequently, appellant is a corporate entity that must fall under the definition of statutory definition. To support his appellant’s claim, learned counsel said that FIR was mainly lodged in sections 63 and 65 of the Copyright Act, which the respondent had violated. This clearly shows that the appellant not only suffered from financial loss but also endured reputational loss as mentioned in section 2(wa) of the CrPC. Learned counsel strongly argued that even without being a party, the victim or complainant can still file an appeal in the High Court under section 372 of the CrPC. Learned counsel took the reference of the case *Jagjeet Singh vs Ashish Mishra Alias Monu*⁹, where the court held that –

“A 'victim' within the meaning of CrPC cannot be asked to await the commencement of trial for asserting his/her right to participate in the proceedings. He/She has a legally vested right

⁶ Indian Kanoon, < <https://indiankanoon.org/doc/21607349/>> (Last visited 19 October 2025)

⁷ Code of Criminal Procedure, 1973, s 2

⁸ Indian Penal Code, 1860, s 11

⁹ *Jagjeet Singh vs Ashish Mishra Alias Monu*, (2022) 9 SCC 321

to be heard at every step post the occurrence of an offence. Such a “victim” has unbridled participatory rights from the stage of investigation till the culmination of the proceedings in an appeal or revision. We may hasten to clarify that “victim” and “complainant/informant” are two distinct connotations in criminal jurisprudence. It is not always necessary that the complainant/informant is also a “victim”, for even a stranger to the act of crime can be an “informant”, and similarly, a “victim” need not be the complainant or informant of a felony.”

The esteemed counsel explained that the proviso of section 372 of the CrPC gives special rights to the victim to file an appeal against any order of acquittal and does not limit the victim to opposing any court decision. Learned counsel pointed out that the appellant could not go to the High Court to use its revisional power under sections 397 and 401 of the CrPC,¹⁰ which is why section 401(3)¹¹ clearly prohibits the High Court from converting the acquittal order into a conviction. He also referred to the Supreme Court’s verdict on *Mallikarjun Kodagali v. State of Karnataka*,¹² where the court held that – “*In that case, the Court said that a victim, as defined in Section 2(wa) of the CrPC, has the right to file an appeal in the court where an appeal would normally go against a conviction. It also said that it doesn’t matter whether the victim is the complainant or not for using the right under Section 372’s proviso*”.

CONTENTION OF RESPONDENT

Learned counsel of the respondent argued that the right to appeal under section 372 is exceptionally limited by section 374 of the Code of Criminal Procedure, which is presumed from the words given in the proviso, such as – “*such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court*” . Counsel further explained that section 374 bars a person from filing another appeal in the matter, which decision had already been taken by the first appellate court, and pointed out that respondent No. 2 (State of Rajasthan) has not filed any appeal in the order of acquittal of the accused dated 16 February 2022, which the first appellate court passed. Lastly, counsel argued that the complaint was filed by the appellant, dated 6 February 2016, who worked in the capacity of the investigator for M/s solutions. Since he was neither the employee who was working in M/s solution nor was he the official representative of the same, he could not work as the appellant’s agent. According to Section 2(wa) of the Code of Criminal Procedure, the appellant cannot be treated or considered

¹⁰ Code of Criminal Procedure, 1973, s 397 & 401

¹¹ Code of Criminal Procedure, 1973, s 401(3)

¹² *Mallikarjun Kodagali v. State of Karnataka*, (2019) 2 SCC 752

as the “victim” and had no right to file a legal proceeding against any order which has previously been passed. Counsel for the respondent pointed out that the appellant's request to become a party to this criminal appeal had already been rejected by the first appellate court. Although the appellant was permitted to assist the prosecution in the case, it was underscored that he did not challenge the rejection order before the high court, so the present appeal is liable to be dismissed. The Sole contention of learned counsel of the respondent No.2 (State of Rajasthan), special leave petition, and revision petition should have been filed by the appellant under section 378(4) and 397 or 401 of the Code of Criminal Procedure¹³.

ANALYSIS

“ 'victim' means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged, and the expression 'victim' includes his or her guardian or legal heir.”

As per section 372 stated as no one is allowed to file an appeal in any order or judgment passed unless this code or any other law specially allows it. But there are some exceptions, such as if the court acquits the accused, gives him a lesser sentence, and inadequate compensation is given to the victim. In Section 374, it is expressed as if the high court convicts a person in the trial court, he may go to the Supreme Court through an appeal if the session court or an additional session judge convicts the person and gives him a sentence of more than 7 years, the person may go to the high court for an appeal. If an accused person is convicted by a magistrate, first or second class, an assistant session judge, or metropolitan magistrate, the person convicted may go to a session judge for an appeal. Section 378 explained that if an accused is acquitted by the competent court, its appeal can be filed by the district magistrate, state government, or central government through the public prosecutor, but with the permission of the High Court. Private complainants may go for an appeal against the order of acquittal only if the High Court grants special leave to do so. In this case, allegations against the respondent No.1 were that displaying, keeping the god in his shop, having the same marks on the product, and possessing it as his own looked like these were the appellant's product. This is enough to mislead any people who go to buy the product; that's why it is considered an infringement of the appellant's intellectual property rights. The complainant was heard during the trial, as consent was given, and the appellant had raised no objection to the complainant's lawyer to

¹³ Code of Criminal Procedure, 1973, s 378(4) & 394

assist the additional public prosecutor. It was observed and noted that a trial had been conducted in which the accused was found guilty and sentenced the accused but the appeal against the conviction was still pending in the court. Therefore, it was decided that an appeal against the conviction and the complainant's submission must be heard together.

1. Lower court's narrow View: There was a constraint on Judicial interpretation in which the Rajasthan High Court adopted the restrictive and domain-centric view about Asian Paints, which is an aggrieved corporate entity could not be deemed a "victim" for the purpose of appeal, as it is not the original complainant. The court was ignorant of the fact that section 2(wa) of the Code of Criminal Procedure defines the victim as anyone who suffers from the injury or loss because of the offence.
2. Conflict between sections 372 and 378 CrPC: there has been a clash in which the High Court applies section 378 of CrPC, where government permission for appeal is needed, but at the same section 372 gives victims an independent right to appeal against the acquittal.
3. Misapprehension of locus standi: Judicial interpretation limits the right to appeal, which is exclusively to the state or original complainant, neglecting the loss or injury caused to third parties who have the intellectual property rights.
4. Under recognition of corporate victim: Prior to this ruling, it was uncertain and not so clear about the corporate entity in economic crimes such as counterfeiting or intellectual Property, and uncertainty is resolved through criminal appeal

RATIO DECIDENDI

Ram Babu engaged in the business, which was unauthorized and dealt with the selling of counterfeit goods bearing the Asian Paints trademark on top that causing pecuniary and reputational loss to Asian Paints. The Supreme Court duly recognized Asian Paints as the victim in this case, also looking into the fact that the initial investigation had been initiated by the investigator. Furthermore, the court has defined the term victim which has been given under section 2(wa) of the Code of Criminal Procedure, encompasses any person who has suffered the loss or injury due to the act or omission of the accused. Consequently, here Asian paint as a victim is entitled to file an appeal under the proviso to section 372 CrPC with no procedural

limitation where government permission is required. This Progressive ruling signifies and affirms that corporate entities are competent and possess independent standing to challenge acquittals, especially in modern economic and intellectual property offences. By recognizing such brand owners as legitimate victims and forfeiting the mechanism of the counterfeiting goods with unauthorized trademark, this upheld participatory rights of corporate entities in the justice system. The main rationale behind the verdict is that no one is denied justice, irrespective of corporate entity or being a third party to the case.¹⁴

¹⁴ Amikus Qriae, < <https://theamikusqriae.com/asain-paints-limited-vs-ram-babu-2025-insc-828/>> (Last visited 20 October 2025)