

Section or that it
relates to some fact



Section 198 must be read along with Section 197, Section 198 makes punishable the use of false certificate as if it is a genuine one. In Section 198 also, the word used is 'corruptly' and has the same meaning as used in Section 196. The words 'any such certificate' used in Section 198 means the certificate that has been falsely issued or signed as mentioned in Section 197. Hence, the false certificate used must satisfy the condition under Section 197, namely, the false certificate used must be one, which is required by law or it should be admissible in evidence. The points requiring proof under Section 198 are: (i) The document in question purports to be a certificate; (ii) It was either required by law to be given or signed; or that it relates to some fact of which such certificate is by law admissible in evidence.

(iii) Such certificate is false; (iv) And false on a material point; (v) It was signed or issued (not necessarily by the person legally authorised to sign or issue it; (vi) The accused used or attempted to use such false certificate; (vii) He did so corruptly; (viii) He then knew that it was false in a material point. The offence under Section 198 is non-cognizable, but a warrant should ordinarily issue in the first instance. It is bailable but not compoundable, and is triable by the Court by which offence of giving false evidence is triable.