

Where assam the
accused allegedly
induced and
subjected



**ASSIGN
BUSTER**

Where the accused lambardar induced a sub-registrar to wrongfully register a document by falsely and intentionally identifying another person named in the document as the one who had executed the document, he was convicted of cheating and punished under this section. Where the intention on the part of the accused was to retain wrongfully the excise duty which the state was empowered under law to recover from another person who had removed non-duty paid tobacco from one bonded warehouse to another, they were held guilty under this section. In Tajuddin v. State of Assam the accused allegedly induced and subjected the victim girl to sexual intercourse with the promise that he will marry her. As a result, she became pregnant thereby causing damage or harm to her body, mind and reputation which constitute the offence of cheating. The Gauhati High Court held that the plea by the accused that no offence under Section 417 is made out as the offence alleged does not relate to any property is not tenable.

The statement by the accused that he has married the prosecutrix after the judgment of conviction was recorded by the trial court cannot be a ground for compounding the offence in absence of any application filed by the prosecutrix. However, the sentence of six months' imprisonment was modified by imposing a fine of five thousand rupees. The offence under this section is non-cognizable, bailable and compoundable when permitted by the court trying the case, and is triable by any magistrate.