

Section sign some  
certificate does not  
come



Section 197 makes the issuing or signing of false certificate an offence. The points requiring proof under Section 197 are: (i) The document in question is a certificate; (ii) It was required by law to be given or signed, or that it related to some fact of which such certificate is by law admissible in evidence; (iii) The certificate is false; (iv) It is false in a material point; (v) The accused issued or signed it he knew it to be false. The words 'required by law' do not mean some body authorised to issue certificates.

It means that there must be a statutory requirement for issuing the certificate. An authorisation by Government Resolution to issue or sign some certificate does not come within the phrase 'required by law' occurring in Section 197. Medical certificate issued by medical practitioners or character certificates are not certificates required by law to be given and hence, are not covered by Section 197. Section 197 states that the false certificate issued or signed should be admissible in evidence.

The words 'admissible in evidence' means the certificate must be 'admissible in evidence' as such, without further evidence of proof of the certificate. If a certificate has to be further proved by any witness then the certificate is not admissible in evidence in law. A principal of a college issued a certificate in respect of a student, so as to enable him to participate in a sports meet. Since, the principal was not required by any law to issue such a certificate, he cannot be said to have committed an offence under Section 197, even if the certificate was false.

The issue of a false certificate is punishable in the same manner as giving false evidence under Section 191, Cr. PC. The Offence under Section 197 is

non-cognizable, bailable and is triable by the Court by which offence of giving false evidence is triable.