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The offender can be convicted under this section only when he has fraudulent or dishonest intention and with such intention he uses any document or electronic record as genuine when he knows the same to be forged or when he has reason to believe that document or electronic record to be a forged document or electronic record under the Indian Penal Code.

There was a controversy as to whether this section is directed against some other person than the person who has actually done the forgery. The controversy seems to have been settled and it can now be said that a forger can be punished both for forging a document as well as for using that document as genuine. An accused who possessed forged registration book of a vehicle with forged number plates and changed the genuine number plates of another vehicle into the forged one for which he already possessed that forged registration book, it was held that he had committed an offence under this section. Where an alleged forged notice under section 63 (1) of the Partnership Act was presented by the authorised agent of one of the partners, it could not be held that the agent alone was entirely liable for the same and since knowledge on the part of the agent of the forgery was not proved, he could not be held guilty under this section. Where the accused, during the course of a police investigation, tendered a forged document to the investigating officer, and thereby caused him to do something which he would not have done in the normal course, the accused was held guilty under this section.

Forging a passport and using it as genuine to gain entry into India is punishable under sections 467 and 471 of the Code. Where the explanation on the part of the accused as to how a forged cheque came into his

possession was false, it cannot be used to his detriment, all the more so where there is no satisfactory evidence to this effect that he knew or had reason to believe the cheque to be forged, because the prosecution is under duty to prove the case against the accused. A process server filing into court a false return with false signatures in order to defraud a district munsif into excusing his delay in returning the processes and his absence from duty is punishable under sections 468 and 471 of the Code. Where the principal accused forged receipts and collected donations with the help of the co-accused who did not know that the receipts were forged but had accompanied the principal accused, it was held that the co-accused could not be held guilty under this section. Where the accused was convicted of having forged a lottery ticket but it could not be established that he was instrumental in the act of the forgery or that he knew that the ticket was forged when he presented the same to claim the price, his conviction was liable to be set aside. Issuing forged railway receipts by converting forwarding notes for the purpose has been held to be punishable under this section. Similarly, encashing a forged bank draft has also been held to be an offence under this section. In *Jibrial Diwan v.*

*State of Maharashtra*, letters were prepared by the accused on the letterhead of a minister whereupon invitations were written to invite actors for a cultural show. The letters did not bear the signature of the minister. It was proved that neither any wrongful gain nor wrongful loss to anyone was caused by delivery of the letters. The Supreme Court ruled that the act was not done dishonestly and the conviction of the accused under sections 417, 465 and 471 of the Code was not proper. In *A.*

S. Krishnan v. State of Kerala the father of a student forged his son's marksheet to use it for securing admission in a medical course. The total marks in the forged marksheet showed more marks than that which the student could get even if he secured one hundred per cent marks. The material on record belied the plea of innocence. The said marksheet purported to have been drawn up after revaluation, however, indicated same date of seal as that of the original marksheet. Thus, this plea that the student and his father did not know the marksheet to be forged was not sustainable. The Supreme Court held that the accused were liable to be convicted as they had not only knowledge but also had reason to believe that the document was forged before they used it.

Forgery of a copy If committing forgery of a copy of a document falls within the language of section 463 of the Code it is not at all important whether a document was first forged and then a copy made of the forged document or the copy itself was a forged document even though the original document was not a forged one. Therefore, where the accused used a document which was not the original sale deed and it was used with the knowledge that it was a forged document, section 471 would be attracted. Where it is possible to produce an attested copy of a forged document and this copy would serve as the original forged document, it would be a case of using of the original forged document as genuine though through the attested copy, and thus this section would be applicable. Punishment Section 471 says that the offender under this section shall be punished in the same manner as if he had forged the document. After a forgery was discovered the accused withdrew the forged bank guarantee form and paid the amount. The Supreme Court

reduced the sentence to the period already undergone and raised the fine from one thousand rupees to five thousand rupees.

The court observed that justice would be done by doing so in view of the fact that no loss had been caused to anyone by the forged document. Similarly, where a vendor had been delivered back the excess area which was sought to have been sold by production of a sale deed, and ten long years had passed since the criminal proceedings had been begun, it was held that a sentence of one year's rigorous imprisonment would meet the ends of justice. Where the accused submitted bill regarding leave travel concession without actually undertaking any journey, and the offence was allegedly committed ten years ago and he was in jail already having undergone three months of rigorous imprisonment, his sentence was reduced to the period already undergone. The offence under section 471 is cognizable, non-bailable and non-compoundable, and is triable by magistrate of the first class.