

## **The Indian Penal Code 1860**

### **Section 28 - "COUNTERFEIT" A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of**

SECTION 28: "COUNTERFEIT" A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised. Explanation 1 : It is not essential to counterfeiting that the imitation should be exact. Explanation 2 : When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practice deception or knew it to be likely that deception would thereby be practised. COMMENTS Counterfeiting generally implies exact imitation, with a view to deceive or defraud, by passing the copy or thing forged for that which is original or genuine. But for the purposes of this Code, there can be counterfeiting even though the imitation is not exact and there are differences in detail "between the original and the imitation so long as the resemblance is so close that deception may thereby be practised.--" State of U.P. v. AIR 1960 SC 669. Most commonly applied to the fraudulent and criminal imitation of money or securities. In this Code it occurs in offences relating to coin provided in Chapter XII and offences relating to property marks and currency notes in Chapter XVIII."