

## The Indian Penal Code 1860

### Section 415 - CHEATING Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any

a) A, by falsely pretending to be in Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats. (b) A, by putting a counterfeit mark on an article intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats. (c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats. (d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats. (e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money A cheats. (f) A intentionally deceives Z in the belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats. (g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards break his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract. (h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats. (i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats. COMMENTS Deceiving in this section means a false and fraudulent representation as to a matter of fact made in order to induce a person to act thereupon. To induce a person to believe that a thing is true which is false and which the person practising the deceit knows or believes to be false. The deceiver's object is fraudulent. He intends in all cases to acquire or retain wrongful possession of that to which some other has better claim and which that other person is entitled to recover by law. The object must be wrongful gain attended with wrongful loss. Deceiving is done intentionally. There are two parts or two separate clauses of acts which the person deceived may be induced to do. In the first part he may be induced fraudulently or dishonestly to deliver any property to any person or to consent that any person shall retain any property. The second part is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. Inducing must be intentional but not fraudulent or dishonest in the second part. Each part is independent of each other. Both parts have a common feature and it is that there must be deceit practised by the accused upon the victim. Generally speaking, 'deceiving' is to lead into error by causing a person to believe what is false or to disbelieve what is true and such deception may be by words or by conduct. A fraudulent representation can be made directly or indirectly.--Swami Dharendra Brahmachari v. Shailender Bhushan 1994(28) DRJ 362: 1994 JCC 699