

In Re: Gopal Sidheshvar

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Court : Mumbai

Decided On : Apr-12-1907

Reported in : (1907)9BOMLR735

Judge : Chandavarkar and ; Pratt, JJ.

Appeal No. : Criminal Application for Revision No. 46 of 1907

Appellant : In Re: Gopal Sidheshvar

Judgement :

Curiam, J.

1. It appears that the petitioner is being tried before Mr. Artal for the offences described in Section 466 (forgery) and 471 of the Indian Penal Code. The Magistrate has allowed the petitioner's point that sanction is necessary as to the latter but he holds that it is not for the former. We are asked in revision to revise the latter order of the Magistrate. The document which the petitioner is alleged to have forged having been produced in a Court of justice, Clause (c) of Section 195 of the Criminal Procedure Code, must apply to it. We cannot accept the construction put upon the clause by the Magistrate who thinks that the 'production' of a document in a Court is the same thing as 'giving it in evidence'. They are not. A document produced in a Court means one which is produced for the purpose of being tendered in evidence or for some other purpose. Sanction was, therefore, necessary for the purposes of the complaint of the offence under Section 466.

Accordingly we quash the Magistrate's proceedings in the matter of the complaint under Section 466. This order will not preclude fresh proceedings being instituted after sanction has been obtained.

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