

**Debi Singh Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/462957](http://sooperkanoon.com/462957)

**Court :** Allahabad

**Decided On :** Jul-07-1919

**Reported in :** AIR1919All851(1); 52Ind.Cas.385

**Judge :** Piggott, J.

**Appellant :** Debi Singh

**Respondent :** Emperor

**Judgement :**

**Piggott, J.**

1. The case against the appellant, Debi Singh, was that he produced a receipt for the payment of a sum of Rs. 2,340, which receipt purports on the face of it to have been signed by one Kishen Singh. This receipt was produced before a Civil Court when Debi Singh was being sued for the recovery of a certain debt, and his case was that he had discharged that debt in its entirety by means of the payment evidenced by the receipt above mentioned. Kishen Singh was examined as a witness before the Civil Court and deposed that the receipt was a forgery. It so happened that Kishen Singh was dead before the appellant could be put on his trial on the criminal charge but I am satisfied that the statement of Kishen Singh made before the Civil Court has been rightly admitted in evidence. The appellant had an opportunity of cross-examining Kishen Singh at that time and the proceedings were between the same parties within the meaning of the explanation

to Section 33 of the Indian Evidence Act. The real question, therefore, is whether the Court below was justified in believing the sworn statement of Kishen Singh, to the effect that he had never signed this receipt. In the judgment under appeal the evidence produced in the case is set forth and discussed in considerable detail. The learned Sessions Judge has pointed out that there is a suspicious mistake apparent on the face of the receipt itself and that there is a mass of circumstantial evidence tending to show that Debi Singh could not have paid a sum of Rs. 2,340 in cash to any one on the date given in the receipt. It has been contended before me in argument that Debi Singh has really been convicted because he failed to prove affirmatively the payment of the money in question, but this is not a correct view of the case. The Court had before it the testimony of Kishen Singh, admissible under the provisions of the Indian Evidence Act, as already noticed. That testimony was sufficient to prove that the receipt was a forgery, if the Court was satisfied on a review of the entire evidence that Kishen Singh had spoken the truth. The circumstances relied upon in the judgment of the learned Sessions Judge are, in my opinion, very strong reasons in favour of believing Kishen Singh to have spoken the truth. I think the appellant was rightly convicted and I dismiss his appeal.