

**Chandulal Vs. Emperor**

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**SooperKanoon Citation :** [sooperkanoon.com/463997](http://sooperkanoon.com/463997)

**Court :** Allahabad

**Decided On :** Sep-20-1940

**Reported in :** AIR1940All551

**Appellant :** Chandulal

**Respondent :** Emperor

**Judgement :**

**Allsop, J.**

1. This is an appeal against the conviction of the appellant, Chandu Lal, of an offence punishable under Sections 471 and 467, I.P.C. The appellant has been sentenced to rigorous imprisonment for a period of eighteen months. The appellant was one of the trustees of a brahman boarding house at Muzaffarnagar. Some time in the year 1931, he was given a cheque for Rs. 400 by one Bhagwat Prasad. The money was to be used for the purposes of the boarding house. It was established that the money was misappropriated by the appellant and he was sentenced to a fine of Rs. 800 under Section 406, I.P.C. In that case he raised the defence that he had returned the money to Bhagwat Prasad and as part of his evidence he produced a letter alleged to have been written at the instance of Bhagwat Prasad by one Narain Dat acknowledging the receipt of the money. The appellant's allegation was that he had paid the money to Manphul Singh, the agent of Bhagwat Prasad, and his contention was that the letter showed that Manphul

Singh in his turn had paid the money to his principal. The defence was not accepted by the Court which tried the appellant for criminal breach of trust. A complaint was made against him by the Court that he had committed an offence under Section 471 read with Sec. 467, I.P.C., in connexion with this letter. The prosecution produced Bhagwat Prasad to prove that he had never received the money. The letter purports to have been signed by Bhagwat Prasad though written by Narain Dat. Bhagwat Prasad has deposed that he did not sign it. It is to be noticed that the signature at the end of the letter is not merely the name of Bhagwat Prasad as one would expect it to be if it were a signature. Under the letter are the words 'from Bhagwat Prasad Croydon (on Jakhu), Simla' that is, a name and address. It is not denied that these words are in the handwriting of Bhagwat Prasad, but the suggestion is that they were written on this piece of paper in some other connexion and that the letter was forged above them. The circumstances seem certainly to justify this conclusion. The appellant produced Manphul Singh and Narain Dat as his witnesses, but their evidence is obviously not of much value. They have both fallen out with Bhagwat Prasad and have left his service. If there was a forgery, they obviously took an active part in producing the forged letter and supporting the appellant's allegation that the money had been returned. The nature of the signature is, in my opinion, sufficient to justify the conclusion of the learned Judge of the lower Court that the letter was a forgery. I may also mention that the paper on which it is written is not ordinary note-paper.

2. Learned counsel for the appellant has argued that there is nothing in the case except the statement of Bhagwat Prasad on the one side and the statements of the appellant and his witnesses on the other and he has urged further that Bhagwat Prasad is not a reliable person because he admittedly gave out that he had a number of medical degrees to which in fact, he was not entitled. In my judgment, the form of the alleged signature is in itself sufficient to turn the scale against the appellant. Learned counsel has also addressed considerable argument to me upon the legal question whether the forging of this letter would justify the conviction of the appellant under the provisions of Sections 467 and 471, I.P.C. He has referred me to the case in *King-Emperor v. Mahabir Singh* (02) 25 All 31 and the case in *Queen v. Lal Gumul* (70) 2 NWP HCR 11. He has also referred to the rulings of other Courts in *Abdul Hamid v. Empress* (86) 13 Cal 349, *Jyotish*

Chandra v. Emperor ('09) 36 Cal 955 and Nga Tun Sein v. Emperor ('35) 22 AIR 1935 Rang 203. He later referred me to the cases in Queen-Empress v. Girdhari Lal ('86) 8 All 653 and Shujauddin Ahmad v. Emperor ('22) 9 AIR 1922 All 435. It seems to me that these cases do not go beyond the clear provisions of the Penal Code which are to the effect that the fabrication of a false document is criminal only when certain intentions can be attributed to the person who fabricates it.

3. The argument put forward by learned Counsel in this case is that the object of this forgery was not to cause loss to any person but to protect himself from the consequences of his criminal offence of breach of trust. The question of intention is one of fact. It is to be noticed in this case that the appellant by obtaining this forged document and using it was not only protecting himself from punishment but was also rendering it probable that Bhagwat Prasad or the brahman boarding house would suffer loss. The result of the criminal trial was that a sum of Rs. 750 was to be paid as compensation to Bhagwat Prasad out of the fine of Rs. 800 which was to be deposited by the appellant. If the forgery had succeeded in its object, Bhagwat Prasad would have been deprived of this money. A person must be held to have intended the natural consequences of his action and therefore, I am not prepared to say in this particular case that the act of the appellant was not a criminal act within the provisions of Sections 467 and 471, I.P.C. It is true that the appellant has already been punished for his major offence and I do not think it is necessary to send him to prison for a period of eighteen months on what might be described as a subsidiary charge. I think, however, that he should suffer some appreciable punishment. I reduce the sentence from rigorous imprisonment for a period of eighteen months to rigorous imprisonment for a period of six months. I uphold the conviction. The appellant will surrender to his bail and serve out his sentence.