

Lalta Prosad Vs. Emperor

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Court : Allahabad

Decided On : Jul-18-1912

Reported in : 17Ind.Cas.799a

Judge : George Knox, J.

Appellant : Lalta Prosad

Respondent : Emperor

Judgement :

George Knox, J.

1. A forgery is alleged to have been committed with reference to a deed of sale. From the deed it would appear that if a forgery was committed, it was committed on or about the 8th of September 1911. At that time, no proceedings were pending with reference to this particular document. The District Magistrate of Bareilly has, by an order, dated the 16th of February 1912, directed the prosecution of Lalta Prasad for forgery and has made the case over to one Mr. Karar Hussain, for hearing. AN objection is raised to this order based upon Section 195, Clause (c) of the Cods of Criminal Procedure.

2. It is true that the Magistrate has not stated under what section he has directed the prosecution, bat a prosecution for forgery would ordinarily run under Section 463 of the Indian Penal Code. As I read Section 195, Clause (c), Courts are

prohibited from taking cognizance of an offence described in Section 463 when such offence has been committed by a party to any proceeding in any Court in respect to a document produced or given in evidence in any such proceeding. The section does not remove from the cognizance of Criminal Courts an offence described in Section 463 when such an offence has been committed by an ordinary individual. Suppose, for instance, this very document had never been put into the Civil Court and suppose further that it is a forgery--is the person who forged it to be free from all prosecution? I do not by this mean to say that I have any reason for saying this document is a forged document. I know nothing about it. As long as the prosecution is confined to offences connected with this 'document committed prior to its production in Court, such prosecution is within the law and requires no sanction. Sanction is required for offences committed by a party to a proceeding in any Court in respect to a document produced or given in evidence in such proceeding.

3. I find no reason for interfering and dismiss the application.

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