

Murari Lal Vs. the State of Rajasthan

Murari Lal Vs. the State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/759792

Court : Rajasthan

Decided On : Jul-22-1974

Reported in : 1974WLN(UC)351

Judge : B.P. Beri, J.

Appeal No. : S.B. Criminal Revision No. 806 of 1971

Appellant : Murari Lal

Respondent : The State of Rajasthan

Disposition : Petition allowed

Judgement :

B.P. Beri, C.J.

1. Murarilal stands convicted Under Section 466, Indian Penal Code, and sentenced to six months rigorous imprisonment and a fine of Rs. 1,000/- by the Assistant Sessions Judge Hanumangarh which was maintained in appeal, by the learned Sessions Judge, Ganganagar. He has now come up in revision before me.

2. Jai Lal carries on business in the name and style of M/S Karam-chand Jailal at Dabli Rathan and Murarilal carries on business in the name and style of M/S Murarilal Subhaschandra at Hanumangarh Junction. They had dealings with one another On March 25, 1967, Murarilal took a loan of Rs. 10,000/- and an entry to

that effect Ex. P/2 was signed by Murarilal in the bahi of Jailal. On June 28, 1967 Jailal demanded the return of his money and Murari Lal asked him to come to his shop at Hanumangarh and check up the accounts. When the accounts were tallied with the bahi of Muratilal it contained entries totalling Rs. 7,600/- as entries of debit against Jai Lal who was annoyed on the ground that they were not correct entries and consequently, on July 6, 1967 he instituted a complaint in the Court of Munsif Magistrate, Hanumangarh. Murarilal's case was that no cash payment was received and there were some transaction regarding the pulses. The learned Assistant Sessions Judge who came to decide the case, found that Murarilal had committed forgery. On appeal, the learned Sessions Judge affirmed the same. Murarilal is before me asking the revision of the order of the learned Sessions Judge.

3. Mr. Tikku arguing for the petitioner urged that in the circumstances of the case no offence Under Section 465, Indian Penal Code, was made out.

4. Learned Additional Government Advocate endeavoured to support the judgment of the Courts below.

5. Assuming that entries in the books of Murarilal showing debit against Jailal were not altogether correct, could we say that a case of forgery was made out? For the purposes of an offence Under Section 465, Indian Penal Code, we shall have to consider Section 463 and 464 together. There cannot be any forgery unless there is a false document and that document must be with two classes of intents envisaged by Section 463 Indian Penal Code. It cannot be said as a broad rule that any error in the maintenance of accounts necessarily amounts to forging of a document. These two business men are quarrelling over correctness of accounts and they have travelled to the field of criminal law. A false document Under Section 464, Indian Penal Code, even if made, must be made with on the authority of the person by whom or under whose authority it was purloined to have been made. This essential ingredient cannot be attributed to the accused in the circumstances of the case. The defence evidence is also suggestive of certain dealings and not completely groundless and such evidence need not be conclusive. Lack of permit and mutual dealings provide foundation for the defence

version. The first doubt is whether inaccurate entries in ones own account books in the circumstances of this case would constitute the offence of forgery-even if it may amount to some other offence The second doubt is whether the theory suggested by the defence is not probable. The matter does not appear to have been examined from this angle. If the actions and omissions of an accused do not squarely fall within the four corners of the definitions of an offence he is entitled to acquittal. If the defence evidence is preponderantly probable it need not prove the defence conclusively. The benefit of doubt in such a situation must be given to the accused and I do hereby extend it to him.

6. The revision is accepted. The accused is on bail and he need not surrender Fine, if paid, shall be refunded forthwith.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com