

King-emperor Vs. C. Srinivasan

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Court : Chennai

Decided On : Jan-28-1902

Reported in : (1902)ILR25Mad726

Judge : Davies and ;Bhashyam Ayyangar, JJ.

Appellant : King-emperor

Respondent : C. Srinivasan

Judgement :

1. The charge of cheating must fail inasmuch as there is no proof that the deception practised by the petitioner on the Registrar of the Madras University caused harm or damage to him or to the University which he represents. If the real S. Streenivasan had practised a similar deception for obtaining a duplicate certificate it could not be argued that he would be guilty of cheating unless damage or harm was caused to the person deceived.

2. There is also nothing to show that the petitioner acted dishonestly in obtaining the duplicate certificate, that is, that he had any intention of causing wrongful gain to himself or wrongful loss to the University. On the other hand he paid three Rupees in cash for the certificate which certainly seems to be greatly in excess of its cost price. Then as to the charge of forgery,--assuming that the petitioner fabricated the document B-2, there is no evidence, for the reasons already stated, that he did so fraudulently or dishonestly and with intent to cause damage or injury

to the public or to any one. The question before us is not whether he intended to use the certificate subsequently in order to obtain some temporal advantage by pretending that he had passed the Matriculation Examination. Had he had such intention this mere preparation towards such object would not amount to an attempt to commit an offence within the meaning of Section 511 of the Penal Code.

3. We must therefore reverse the conviction, acquit the prisoner, and direct that he be set at liberty.

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