

**In Re: Sithava Naik**

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**SooperKanoon Citation :** [sooperkanoon.com/799417](http://sooperkanoon.com/799417)

**Court :** Chennai

**Decided On :** Sep-22-1915

**Reported in :** 30Ind.Cas.751

**Judge :** Spencer and; Phillips, JJ.

**Appellant :** In Re: Sithava Naik

**Judgement :**

1. Exhibit C has been clearly proved to be a forgery by the evidence to which the Sessions Judge has referred. This being so, there is no reason to assume that when the accused in Exhibit B spoke of the settlement of the claim under the decree and of satisfaction being recorded by the Court he was referring to anything else but Exhibit C. This use of Exhibit C to support a false claim did, in our opinion, constitute an offence under Section 471, Indian Penal Code. It is urged that the Sessions Judge was not entitled to rely on the evidence of the handwriting expert, because the processes by which the handwritings were compared were not performed in open Court; but we do not consider that any such objection as was raised in *Suresh Chandra Sanyal v. Emperor* 14 Ind. Cas. 753 can be supported when, as here, there are examples of the writer's handwriting either proved or admitted to be genuine which can be used as standards of comparison and when the documents were shown to the expert in open Court and he pronounced his opinion thereon.

2. Another objection has been taken to the alteration of the charge. The charge as amended was based on evidence which was before the Committing Magistrate and the accused, therefore, could not reasonably plead that he was prejudiced by the correction of the date.

3. The appeal is dismissed and the conviction and sentence are confirmed.

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