

P.L. Causley Vs. Emperor

P.L. Causley Vs. Emperor

SooperKanoon Citation : sooperkanoon.com/866033

Court : Kolkata

Decided On : Dec-20-1915

Reported in : 32Ind.Cas.661

Judge : Chitty and ;Walmsley, JJ.

Appellant : P.L. Causley

Respondent : Emperor

Judgement :

1. In this case the appellant Phillip Lloyd Causley was found guilty on three charges under Section 465, Indian Penal Code, and sentenced to two years' rigorous imprisonment, i.e., eight months on each charge. The appellant is stated in the Magistrate's judgment to be a lad of 16 or 17 years of age. We are told by his mother that he is only 15. The appeal was admitted on the question of sentence, but has been argued before us also on the question of law arising in the case. The facts are not in dispute. They are fully set out in the judgment of the Magistrate and need not be re-stated here. The question is whether the signing of the certificates in a false name, and giving in each case an address which was not his, amounts to forgery on the part of the appellant. It may be that the action of the appellant was not 'dishonest', taking that word in the sense ascribed to it by the Indian Penal Code, Sections 23 and 24. There can, however, be no doubt that he acted 'fraudulently'. His intention was undoubtedly to deceive both the firms, who sold him these revolvers and ammunition, and also the Government, which has

prescribed the formalities to be observed in such sales. He must be taken to have known that the certificate was required for the identification of the purchaser and the weapons purchased. This purpose he deliberately defeated by his action in making out false certificates. His acts came directly within the definition of forgery as contained in Sections 463 and 464, Indian Penal Code. The cases of *Reg. v. Toshack* 1 Den. C.C. 492; *T. & M.* 207; 13 Jur. 1011; 4 Cox. C.C. 38, *Empress v. Dhunum Kazee* 9 C. 53; 11 C.L.R. 169; 7 Ind. Jur. 196 and *Queen-Empress v. Abbas Ali* 25 C. 512; 1 C.W.N. 255 are in point and support the view which we take in this case. The conviction must, therefore, be upheld.

2. With regard to the sentence, we take into consideration the extreme youth of the appellant. On the other hand the offence is a very serious one, and it has been aggravated in his case by the fact that he has declined to give any information regarding the revolvers purchased by him or the use to which they have been put. We think, however, that he will be sufficiently punished if he be kept in Jail for one year, that is to say, for four months on each charge, and we reduce the term of imprisonment accordingly.

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