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Forged document produced evidence- legal action

about a year ago 18 Replies

Report



muralidara R naidu advocate

Points: 77

Dear learned Advocates,

My client filed private complaint under section 420 of IPC for not paying sale consideration amount paid through cheques shown in the sale deed. After investigation police filed charge sheet and trial commenced.

After completion of prosecution evidence, the Accused led his defence evidence and in which he has produced forged money paid receipt to prove that subsequently sale consideration is paid to complainant.

We have filed application under section 45 of evidence Act to refer the said disputed document for expert opinion, and Expert has given opinion stating that the signatures are forged and he has been cross examined by the accused.

Now is there any provision to pray court to take cognizance and to refer to police to investigate (in the same case) of the offence for producing forged document in the evidence in the same proceedings.

Please requested to enlighten me on this aspect to take further course of action.

Thanks in advance.

RMD

Reply

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about a year ago



TGK REDDI



👍 Likes: 158

📌 Points: 3400

You can file a Complaint, popularly known as Private Complaint.

You can approach the police instead.

Be happy, Section 195 of the Criminal Procedure Code is not attracted.

Your chances are quite bright.

↩ Reply

about a year ago



Kumar Doab



FIN

👍 Likes:

2447

Points:

146388

The court is aware of the fraudulent act after cross.

Expect justice from court.

Your lawyer is to lead the case in your favor.

↩ Reply

about a year ago

May-21-2018 Mon, 01:37 PM



Anil Satyagraha ▾

Practitioner of Law

👍 Likes: 10

📌 Points: 1999

FILE A PETITION FOR ADJUDICATION OF OFFENCES AFFECTING ADMINISTRATION OF JUSTICE, AGAINST FALSE AFFIDAVIT(S) AND PERJURY BY RESPONDENT AND FOR SANCTIONS VIDE CRPC §§ 195, 204, 340-345 AND R/W CPC § 151 BY REGISTERING A APPLICATION / COMPLAINT REGARDING IPC OFFENCES, *INTER ALI*

Mention the brief facts, as propounded by the PETITIONER, by averred thus —

A. **XXX** ... Narrate the facts as mentioned in the Forum ...
XXX

B.

C. THAT, this present application and petition has been to filed requesting this Hon'ble Court to prosecute the Respondent and Others who have assisted in drafting, reviewing, validating, verifying filing, and comitting egregious acts of PERJURY, FALSE AFFIDAVITS, Forgery *et seq.*, by invokign the relevant provisions of law, **REGARDING OFFENCES AFFECTING ADMINISTRATION OF JUSTICE, AGAINST FALSE AFFIDAVIT(S) AND PERJURY BY RESPONDENT AND FOR SANCTIONS VIDE CrPC §§ 195, 204, 340-345 and R/W CPC § 151 by registering a Application / Complaint regarding IPC Offences, *inter alia*, Related to**

Abetment — IPC §§ 107-109

Criminal Conspiracy —IPC §§ 120A-B

Chapter X (Of Contempts of the Lawful Authority) — IPC §§ 181, 182 (*inter alia*)

Chapter XI (Of False Evidence and Offences Against Public Justice) — IPC §§ 191-196, 199, 200 (*inter alia*)

DE FACTO & DE NOVO ISSUES & GROUNDS

RESPONDENT'S CONDUCT FULFILLS ALL PRE AND POST CONDITIONS FOR HOLDING A PERSON LIABLE FOR REGARDING OFFENCES AFFECTING ADMINISTRATION OF JUSTICE, AGAINST FALSE AFFIDAVIT(S) AND PERJURY BY RESPONDENT AND

FOR SANCTIONS, *inter alia* — APPLICATION SHOULD THEREFORE BE ALLOWED

FOR THAT, *inter alia*, **RESPONDENT AND OTHERS willfully and contumaciously INDULGED IN OFFENCES THAT ATTRACT penal provisions of IPC, *inter alia*, —**

1. IPC SECTION § 107. ABETMENT OF A THING.
2. IPC SECTION § 108. ABETTOR.
3. IPC SECTION § 120A. CRIMINAL CONSPIRACY
4. IPC SECTION § 120B. PUNISHMENT OF CRIMINAL CONSPIRACY.
5. IPC SECTION § 181. FALSE STATEMENT ON OATH OR AFFIRMATION TO PUBLIC SERVANT OR PERSON AUTHORISED TO ADMINISTER AN OATH OR AFFIRMATION.
6. IPC SECTION § 182. FALSE INFORMATION, WITH INTENT TO CAUSE PUBLIC SERVANT TO USE HIS LAWFUL POWER TO THE INJURY OF ANOTHER PERSON.
7. IPC SECTION § 191. GIVING FALSE EVIDENCE
8. IPC SECTION § 192. FABRICATING FALSE EVIDENCE.
9. IPC SECTION § 193. PUNISHMENT FOR FALSE EVIDENCE.
10. IPC SECTION § 194. GIVING OR FABRICATING FALSE EVIDENCE WITH INTENT TO PROCURE CONVICTION OF CAPITAL OFFENCE.
11. IPC SECTION § 195. GIVING OR FABRICATING FALSE EVIDENCE WITH INTENT TO PROCURE CONVICTION OF OFFENCE PUNISHABLE WITH IMPRISONMENT FOR LIFE OR IMPRISONMENT
12. IPC SECTION § 196. USING EVIDENCE KNOWN TO BE FALSE.
13. IPC SECTION § 197. ISSUING OR SIGNING FALSE CERTIFICATE.
14. IPC SECTION § 198. USING AS TRUE A CERTIFICATE KNOWN TO BE FALSE.
15. IPC SECTION § 199. FALSE STATEMENT MADE IN DECLARATION WHICH IS BY LAW RECEIVABLE AS EVIDENCE.
16. IPC SECTION § 200. USING AS TRUE SUCH DECLARATION KNOWING IT TO BE FALSE.

17. IPC SECTION §201. CAUSING DISAPPEARANCE OF EVIDENCE OF OFFENCE, OR GIVING FALSE INFORMATION TO SCREEN OFFENDER.

TABLE OF AUTHORITIES – LEGAL PROVISIONS

STATUTES

1. CIVIL PROCEDURE CODE, 1908
2. CIVIL PROCEDURE CODE (AMENDMENT) ACT, 2002
3. CRIMINAL PROCEDURE CODE, 1973
4. THE INDIAN EVIDENCE ACT, 1872
5. SPECIFIC RELIEF ACT, 1963
6. CONTEMPT OF COURT ACT, 1971

Case LAW

<i>Iqbal Singh Marwah & Anr. v. Meenakshi Marwah & Anr.</i> , 2005 (3) JT (SC) 195.....	10, 20
<i>Kishorebhai Gandubhai Pethani v. State of Gujarat & Anr.</i> , 2014 (13) SCC 539.....	18
<i>Mrs. Sarah Mathew v. The Institute of Cardio Vascular Diseases by its Director – Dr. K.M. Cherian & Ors.</i> , 2014 (2) SCC 62	11
<i>Ram Dhan v. State of U.P. & Anr.</i> , 2012 (5) SCC 536.....	18
<i>Samson Arthur v. Quinn Logistic India Pvt. Ltd. & Ors.</i> , 2015 0 SUPREME(AP) 438.....	16
<i>Sheela Bai v. The State of A.P. & Anr.</i> , 2014 (4) ALT 22.....	20
<i>South Eastern Coalfields Ltd. v. State of M.P. & Ors.</i> , 2003 (8) SCC 648.....	12

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Anil Satyagraha ▾

Practitioner of Law

👍 Likes: 10

📌 Points: 1999

May-21-2018 Mon, 01:39 PM

#### Case LAW

1. Iqbal Singh Marwah & Anr. v. Meenakshi Marwah & Anr., 2005 (3) JT (SC) 195
2. Kishorebhai Gandubhai Pethani v. State of Gujarat & Anr., 2014 (13) SCC 539
3. Mrs. Sarah Mathew v. The Institute of Cardio Vascular Diseases by its Director – Dr. K.M. Cherian & Ors., 2014 (2) SCC 62
4. Ram Dhan v. State of U.P. & Anr., 2012 (5) SCC 536
5. Samson Arthur v. Quinn Logistic India Pvt. Ltd. & Ors., 2015 0 SUPREME(AP) 438
6. Sheela Bai v. The State of A.P. & Anr., 2014 (4) ALT 22
7. South Eastern Coalfields Ltd. v. State of M.P. & Ors., 2003 (8) SCC 648
8. T.Bhopal Reddy v. K.R.Lakshmi Bai, 1998 (1) ALT 292

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 [about a year ago](#)



TGK REDDI

 Likes: 158

Points: 3400

Shri Anil Satyagraha

Dear Sir

I appreciate you. You applied your mind so deeply. You're quite right.

The easiest option before the Questioner is, however, to prosecute the person under FORGERY which requires neither government sanction nor complaint by court.

And Sec 151 of the Civil Procedure Code is not relevant.

Though subordinate criminal courts don't, in theory, have discretionary powers, they're exercised in practice.



Total likes : 1 times

↩ Reply

🕒 about a year ago



Anil  
Satyagraha ▾

Practitioner of  
Law

👍 Likes: 10

📌 Points: 1999

I believe, the next step for you is to file the relevant petition in the same Court, where forgery and perjury have taken place.

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↩ Reply

🕒 about a year ago



Mr. Anil Satyagraha,

The illustrations, citations always help others and self as well.

Kumar Doab  
FIN


👍 Likes: 2447  
Points: 146388

There shall be no dearth of persons wanting to discuss and approach when you share whole-heartedly.

Total likes : 1 times

↩ Reply

🕒 about a year ago



Sonam Kaur  
teaching

👍 Likes: 3  
Points: 215

Hello Sir, What an answer you gave!!! much appreciable !!

Here I would like to clear my simple doubt. I am the victim of s\*xual assaults / molestation by group of 6 in public . I am still surviving and participating in process to get me justice . the opposite lawyer cross examined me but my pp is not even objecting him so can I ask myself ask him the cross question or ask question? if yes plz give me some source so that i can show my pp or to prove the victim right

↩ Reply

🕒 about a year ago

No, you can't. Yours is a police case.



TGK REDDI

Even if it's a private complaint, one can't cross examine unless the counsel is abandoned.

Total likes : 1 times

👍 Likes: 158

👍 Points: 3400

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- Ipc 465 & 420 for false insurance document submission
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