

we arrived in that case was one to which we came unwillingly. I am now satisfied that in the present suit the plaintiff has been throughout one and the same person and that the pleas taken in appeal fail. The suit was not barred by limitation. At the time of the filing of the suit the official liquidator was the only person who had power to bring the suit. I would dismiss the appeal.

BLAIR, J.—I concur in the judgment of the Chief Justice and in the reasons by which that judgment is supported.

BANERJI, J.—I also concur in the judgment of the Chief Justice and in the reasons by which that judgment is supported.

BURKITT, J.—I also concur in the judgment of the Chief Justice and in the reasons by which that judgment is supported, and have nothing to add.

ANKMAN, J.—As one of the judges who decided the case of *Ghulam Muhammad v. The Himalaya Bank, Limited*, I wish to add a few words. I concur with the learned Chief Justice in thinking that the plaint, as framed, substantially complied with the provisions of section 144 of the Indian Companies Act, 1882, but in the English case which has been referred to it was held that a substantial compliance with the law was insufficient, and that there must be formal compliance. In this view an amendment of the plaint was necessary, and that amendment was made in this case. I am satisfied on further consideration that when the plaint was amended no new party was brought upon the record so as to make the suit liable to defeat with reference to the provisions of section 22 of the Limitation Act, 1877. I concur with the learned Chief Justice and my colleagues in thinking that the appeal should be dismissed with costs.

Appeal dismissed.

REVISIONAL CRIMINAL.

Before Sir John Edge, Kt., Chief Justice, and Mr. Justice Banerji.

BALWANT SINGH (APPLICANTS) v. UMED SINGH (OPPOSITE PARTY).

Criminal Procedure Code, section 195—Sanction to prosecute—Necessary contents of application for sanction.

An application for sanction to prosecute for forgery or perjury must indicate precisely the document in respect of which forgery is said to have been committed,

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or must set forth in detail the statements alleged to be false, showing the place where and the occasion on which such alleged false statements were made.

THE facts of this case sufficiently appear from the judgment of the Court.

Messrs. *T. Conlan* and *C. Ross Alston*, for the applicant.

Mr. *A. H. S. Reid* and Babu *Durga Charan Banerji*, for the opposite party.

EDGE, C.J. and BANERJI, J.—This is an application for the sanction of a prosecution of a party to an appeal in the High Court for using a forged document and for giving false evidence. The appeal was disposed of by a Full Bench of this Court on the 18th of February 1895. The application was made on the 23rd of November 1895, and to-day an affidavit, which was sworn on the 23rd of December 1895, was filed, the object of the affidavit being to account for the delay.

The second and third paragraphs of the application are as follows:—"That in the judgment of the said Bench delivered on the said date it was found that the suit brought by the plaintiff-respondent was a false suit, based on a forged document and supported by false oral and documentary evidence.

"3. That circumstances are detailed in the body of the said judgment which furnish strong *prima facie* ground for the belief that the promissory note, the basis of the suit, was a forged document, and that the plaintiff's books of account filed by him as evidence to support his case were fabricated." Then follows the prayer.

It appears to us that there are two objections to our granting sanction. It is not intended that a Court should grant an indefinite sanction to a prosecution for perjury or for using a false document. If it was intended by the Legislature that persons who considered themselves aggrieved by the use of forged documents or by perjury should be given a free hand to prosecute for any assignments of perjury or for the use of any document which they might choose to say was forged, there would have been no necessity for the Legislature to have enacted that an order for sanction should be required. Now, so far as the alleged perjury is

concerned, this application does not disclose one single assignment of perjury. It should have stated that sanction was asked for the prosecution of the respondent for perjury committed by him on a date named in stating falsely so and so, and so and so, and so and so. That is to say, the assignments of perjury for which sanction to prosecute was asked should be distinctly stated in the application. Again, where sanction is asked to prosecute for the use of a forged document, the document should be clearly earmarked on the face of the application. It should not be left to the Court which is asked to grant the sanction or to the Court which is to act on that sanction to find out by reference to another record what the document is in respect of which sanction is sought or given. In this case the application should have stated that the forged document, for example, was a document alleged to be a promissory note, for so much, bearing such a date, and purporting to be signed by so and so. These particulars would be necessary for an application of a similar kind in England, and where an order for sanction in this country may not only involve the liberty of the subject, but may put that subject to very great expense in defending himself, it is right that a Court should see that the application is in form, and gives full information, so that the order for sanction drawn up upon the application may set out precisely what the document is and what the assignments of perjury are for which sanction to prosecute is given.

On that ground alone we would dismiss the application. Applications for sanction to a prosecution for perjury, or for the use of false documents, should be made promptly or the delay should be satisfactorily accounted for. Where there is great delay in making the application, as in this case, a Court cannot help suspecting that the applicant is acting, not in the interests of justice, but for an indirect motive, possibly to worry, annoy and persecute his opponent. Orders for sanction to prosecute in these cases are made, not with the object of gratifying the applicant, but of securing the due administration of justice. We dismiss this application.

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