

apply to the Collector for a certificate, and was informed that no such certificate was necessary. We desire to state that, in our opinion, the certificate was, in the circumstances of this case, absolutely essential. We shall therefore allow the appellant three months from this date to take such steps as he may be advised for the purpose of obtaining a certificate under section 6 of the Pensions Act. We adjourn the hearing of the case for that period. If no certificate is forthcoming within the three months, the appeal will stand dismissed. In granting time for obtaining the certificate, we are following the precedent furnished by the Bombay High Court in the case of *Jijaji Pratabji Raje v. Balkrishna Mahadeo* (1).

[The time granted having expired, the appeal was, on the 4th of August, 1902, disposed of by the following order.]

STANLEY, C. J., and BURKITT, J. — Having regard to the fact that the Collector has refused to give the certificate required by section 6 of the Pensions Act this appeal cannot be maintained. It is therefore dismissed. As there is no one appearing for the respondents we say nothing as to costs.

Appeal dismissed.

REVISIONAL CRIMINAL.

Before Mr. Justice Banerji.

EMPEROR v. DURGACHARAN GIR.*

Act No. XLV of 1860 (Indian Penal Code), sections 193, 511—Fabricating false evidence—Attempt to commit forgery.

One Durga Charan Gir had an ejection case against Ram Ghulam, which was decided against him. After this, on the 23rd of November, 1901, Durga Charan took his servant Daulat to the town of Padrauna, and there purchased an 8 anna stamp paper in the name of Ram Ghulam. Daulat personated Ram Ghulam, and told the stamp vendor that he was Ram Ghulam, so that the stamp vendor put down the name of Ram Ghulam on the stamp paper as the purchaser of it. The stamp paper was subsequently found in the possession of Durga Charan, who had locked it up in a chest in his house. Held upon the above facts that Durga Charan was properly convicted of the offence of abetting the fabrication of false evidence, though his acts did not amount to an attempt to commit forgery. *Queen-Empress v. Mula* (2), followed.

* Criminal Revision No. 433 of 1902.

(1)) 7, L. R., 17 Bom., 169. (2) (1879) L. L. R., 2 All., 105.

1902

INTISHAM
ALI
v.
SHAM
SUNDAR.

1902

August 4.

1902

EMPEROR
v.
DURGA-
CHARAN
GIR.

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

Mr. *C. C. Dillon*, for the applicant.

The Assistant Government Advocate (*Mr. W. K. Porter*), for the Crown.

BANERJI, J.—The applicant, Durga Charan Gir, has been convicted of having abetted the fabrication of false evidence. It is contended that the facts found do not constitute the offence of which the applicant has been convicted. The facts are these:—Durga Charan Gir had an ejection case against Ram Ghulam Gond, which was decided against him. After this, on the 23rd of November, 1901, he took his servant, Daulat Kurmi, to the town of Padrauna, and there purchased an 8 anna stamp paper in the name of Ram Ghulam Gond. Daulat personated Ram Ghulam, and told the stamp vendor that he was Ram Ghulam, so that the stamp vendor put down the name of Ram Ghulam on the stamp paper as the purchaser of it. The stamp paper was subsequently found in the possession of Durga Charan Gir, who had locked it up in a chest in his house. On these facts Daulat has been convicted of fabricating false evidence and Durga Charan Gir, of having abetted him. In my judgment the conviction is correct. Daulat by personating Ram Ghulam, and thereby inducing the stamp vendor to put down Ram Ghulam's name as that of the purchaser of the stamp paper, caused a circumstance to exist which might lead a Court to form an erroneous opinion as to the purchaser of the paper, the intention being that a Court should form such opinion. It is evident that the intention of Durga Charan Gir was to forge a deed in the name of Ram Ghulam on the stamp paper, and make it appear that Ram Ghulam had purchased the paper. Ordinarily the fact of the executant of a document being the purchaser of the stamp paper on which it is engrossed, raises a presumption in favour of the genuineness of the document. In this case the intention was that if a document was prepared on the stamp paper the endorsement would be used as evidence to show that Ram Ghulam had executed it. It is true the act of the applicant or, of Daulat did not amount to an attempt to commit forgery, but as Daulat caused the stamp vendor to put

on the stamp paper the name of Ram Ghulam as the purchaser, the offence of fabricating false evidence was completed, and Durga Charan Gir clearly abetted Daulat in the commission of that offence. This case is very similar to that of *Queen-Empress v. Mula* (1). In that case it was held under similar circumstances that Mula had abetted the fabrication of false evidence. I dismiss the application.

1902

EMPEROR

v.

DURGA-
CHARAN
GIR.

APPELLATE CIVIL.

1902

August 6.

Before Mr. Justice Know.

WARIS KHAN AND OTHERS (DEPENDANTS) v. DAULAT KHAN (PLAINTIFF).
Act No. XII of 1881 (N.-W. P. Rent Act), section 31—Landholder and tenant—Relinquishment of part of holding—Relinquishment not made in writing.

A relinquishment made by a tenant of his holding, when he does not hold under a lease, need not necessarily be in writing, nor need such relinquishment necessarily extend to the whole of the tenant's holding, although, if the relinquishment is not in writing, the tenant may still be liable for the rent of the holding.

THIS was a suit in ejectment brought under the following circumstances. The father of the defendants was at one time an occupancy tenant of the plaintiff in respect of a holding measuring 10 biswas, 5 dhurs. Some twenty years before suit the defendants' father ceased to cultivate 6 biswas, 5 dhurs of this holding, which was accordingly entered in the revenue papers as sir of the zamindar and continued to be so recorded for many years. In the year 1900, some years after the death of the defendants' father, the defendants made an application to amend the rent-roll; their application was granted, and in virtue of the order passed thereon they took possession of the disputed land. The Court of first instance (Munsif of Muhammadabad Gohna) dismissed the suit, holding that the plaintiff had not proved his possession of the disputed land. The plaintiff appealed. The lower appellate Court (District Judge of Azamgarh) found that the defendants' father had orally

* Second Appeal No. 623 of 1901, from a decree of J. H. Cuming, Esq., District Judge of Azamgarh, dated the 23rd day of March, 1901, reversing the order of Babu Murari Lal, Munsif of Muhammadabad Gohna, dated the 16th day of November, 1900.