

## APPELLATE CRIMINAL.

1906  
February 1.

*Before Mr. Justice Aikman.*

EMPEROR v. MULAI SINGH.\*

*Act No. XLV of 1860 (Indian Penal Code), sections 466 and 471.—Definition—Using as genuine a forged document—Copies of a forged original.*

Where a person, knowing or having reason to believe that the entries in certain village khasras were forged, took copies of those khasras and used them as evidence in his favour in a civil suit, it was held that he might be properly convicted of fraudulently or dishonestly using as genuine the khasras which he knew or had reason to be forged, and punished under section 471 read with section 466 of the Indian Penal Code.

ONE Balak Lunia brought a suit against Mulai Singh and his uncle, Brij Mohan, for the value of the fruit of three mango trees. Mulai Singh claimed the trees as his own, and in support of this plea put in evidence certified copies of the village khasras for several years. These khasras contained an entry to the effect that the trees in dispute were in those years in the possession of Biseswar Singh, who was Mulai Singh's grandfather. The Munsif, however, sent for the original khasras, an inspection of which sufficed to show beyond doubt that the entries relied upon by Mulai Singh were forgeries. The Munsif thereupon directed the prosecution of Mulai Singh. He was tried by the Sessions Judge of Azamgarh on a charge under section 471, read with section 466 of the Indian Penal Code, and, being convicted, was sentenced to two years' rigorous imprisonment. Against this conviction and sentence Mulai Singh appealed to the High Court.

Maulvi Muhammad Ishaq, for the appellant.

The officiating Government Pleader (Babu L. M. Banerji), for the Crown.

AIKMAN, J.—The appellant, Mulai Singh, has been convicted of fraudulently and dishonestly using as genuine certain khasras which he knew or had reason to believe to be forged and has been sentenced, under section 471 read with section 466 of the Indian Penal Code, to two years' rigorous imprisonment. It appears that the appellant, Mulai Singh, was defendant to a suit in the Civil Court instituted by one Balak for

\* Criminal Appeal No. 1000 of 1905.

the value of the produce of three mango trees said to have been misappropriated by the accused and his uncle. The accused claimed the trees as his, and in proof of his title put in certified copies of the village khasras for the years 1293, 1294, 1295, 1301 and 1302 Fasli. These certified copies had an entry to the effect that the trees in dispute were in those years in possession of one Biseswar Singh, who was the appellant's grandfather. The Munsif came to the conclusion that the entries in the khasras were forgeries, and instituted a criminal prosecution against the appellant, which has resulted as stated at the outset of this judgment. The learned vakil who appears for the appellant has argued that, as the copies filed by the accused were correct copies of the khasras, no offence under section 471 was committed by his client. He was charged, not with the dishonest use of the copies, but with the dishonest use of the forged khasras. The learned vakil has not disputed the finding of the court below that the entries in the khasras relied on by the appellant are interpolations. There cannot, I think, be any reasonable doubt that the entries in the khasras are forgeries. The appellant took copies of these forged entries and put those copies forward as evidence in support of his defence. I have no hesitation in holding that this was a use by him of the forged documents, *i.e.* the khasras. It was further argued on appellant's behalf that there was nothing to show that he knew or had reason to believe that the khasras were forgeries. In my opinion the evidence on the record is sufficient to show that he must have known that the khasra entries were forged. It is proved that the trees were never in Biseswar Singh's possession, and the accused must have known that the entries were false and had been made by some one to support the defence he set up to the suit. It follows from this finding that his use of the khasras was a dishonest use. I find no ground for interference and dismiss the appeal.

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