

**REVISIONAL CRIMINAL.**

*Before Sir Shadi Lal, Chief Justice and Mr. Justice  
Zafar Ali.*

BHIKA RAM, Petitioner

*versus*

THE CROWN, Respondent.

**Criminal Revision No. 1729 of 1924.**

*Indian Penal Code, 1860, section 489-B—Knowingly selling a forged currency-note to a person who also knows that it is forged.*

The accused sold a forged currency-note of Rs. 50 to one J. K. for a sum of Rs. 25, both parties being at the time aware of the fact that the note was not a genuine one but a forged one.

*Held* that, although the buyer was not in any way deceived, the accused was guilty of an offence under section 489-B of the Indian Penal Code, the object of the legislature being apparently to stop the circulation of forged notes by punishing all persons who, knowing or having reason to believe them to be forged, do any act which would lead to their circulation.

*Application for revision of the order of Rai Sahib Lala Shibbu Mal, Sessions Judge, Ferozepore, dated the 3rd December 1924, modifying that of F. C. Bourne, Esquire, District Magistrate, Ferozepore, dated the 20th November 1924, convicting the petitioner.*

J. G. SETHI, for Petitioner.

CARDEN-NOAD, Government Advocate, for Respondent.

The judgment of the Court was delivered by—

SIR SHADI LAL C. J.—There is ample evidence in support of the finding of the learned Sessions Judge that the petitioner Bhika Ram sold a forged currency-note of Rs. 50 to one Jas Karan for a sum of Rs. 25;

and that at the time of the sale both the parties knew that the note was not a genuine note, but a forged one. The question for consideration is whether Bhika Ram is guilty of an offence described in section 489-B of the Indian Penal Code.

Now, the aforesaid section runs as follows:—  
 “Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”

Mr. Sethi for the applicant contends that in order to satisfy the requirements of the section it is necessary to prove that the accused sold the forged currency-note as a genuine one, and that, as this essential ingredient of the offence has not been established, the accused is entitled to an acquittal. This contention is based upon the assumption that the words “as genuine” in the section go, not only with the verb “uses” which immediately precedes them, but also with all other verbs used in the opening portion of the section. The interpretation sought to be placed upon the section would reduce the law to an absurdity. The section, if construed in the manner suggested by the learned counsel for the applicant, would punish the following persons:—

(1) Whoever sells to any other person as genuine any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit.

(2) Whoever buys from any other person as genuine any forged or counterfeit currency-note or

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bank-note, knowing or having reason to believe the same to be forged or counterfeit.

(3) Whoever receives from any other person as genuine any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit.

(4) Whoever traffics in any forged or counterfeit currency-note or bank-note, as genuine, knowing or having reason to believe the same to be forged or counterfeit.

(5) Whoever uses as genuine any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit.

Now, we fail to understand how a person can buy or receive *as genuine* a forged currency-note, *knowing the same to be forged*. This is obviously a contradiction in terms.

There is no decided case on the subject, but we are clear that the words "as genuine" govern only the verb "uses" and not any other verb. It is true that when a person sells a forged note as a forged note, he practises no deception upon the buyer who enters into the transaction with his eyes open; and such a seller should not be subjected to any criminal liability. It appears, however, that the object of the legislature in enacting this section was to stop the circulation of forged notes by punishing all persons who, knowing or having reason to believe them to be forged, do any act which would lead to their circulation. Judged by this test, the sale of a forged note as a forged note is as reprehensible as a sale of a forged note as a genuine one. A person, who purchases for value a forged note, knowing it to be forged, is ordinarily expected to make money out of the transaction by circulating the note as a genuine one. It is possible that

a perfectly honest man, such as a mere collector of curios, who does not intend to put the instrument into circulation, may come within the ambit of the section; but such exceptional cases cannot furnish any argument for modifying the plain meaning of the enactment.

We consider that the petitioner, who knowingly sold a forged note to a person who also knew it to be forged, is guilty under section 489-B of the Indian Penal Code. It appears, however, that he was released on bail by this Court in December 1924; and that the punishment imposed upon him includes a fine of Rs. 500. Having regard to these facts we reduce the term of imprisonment to the period already undergone. The application for revision is accepted *pro tanto*, and the order of the Sessions Judge modified accordingly.

C. H. O.

*Revision accepted in part.*

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