

1880  
 RAMKISHORE  
 CHUCKER-  
 BUTTY  
 v.  
 KALLYKANTO  
 CHUCKER-  
 BUTTY.

a practice would materially diminish litigation; but in our experience this has not been hitherto the practice of our Courts.

Having regard, therefore, to these considerations, we are of opinion that the decree was against the widow Bissessuree as representing her husband's estate; and that, therefore, the special appellants, as succeeding to that estate by right of inheritance, are liable to satisfy that decree as the legal representatives within the meaning of s. 234.

We, therefore, dismiss the appeal with costs.

*Appeal dismissed.*

## APPELLATE CRIMINAL.

*Before Sir Richard Garth, Kt., Chief Justice, and Mr. Justice Field.*

1880  
 Dec. 3.

IN RE MIR EKRAR ALI.  
 THE EMPRESS v. MIR EKRAR ALI.\*

*Penal Code (Act XLV of 1860), ss. 192, 464, cl. 2—Fabricating False Evidence—Forgery—Alteration of Date of Document.*

Where the date of a document, which would otherwise not have been presented for registration within time, is altered for the purpose of getting it registered, the offence committed is not forgery, where there is nothing to show that it was done "dishonestly or fraudulently," within cl. 2, s. 464 of the Penal Code, but fabricating false evidence within s. 192.

THE facts sufficiently appear in the judgment of the Court (GARTH, C. J., and FIELD, J.), which was delivered by

GARTH, C. J.—The accused presented a bond for registration on the 18th December 1879. This bond is said to have been originally dated the 6th August 1879. If this date had remained, the instrument was presented after the time within which such an instrument must be by law presented for registration. The accused is said to have altered the date to the 26th August in order to bring the bond within time; or to have presented it for registration, knowing that the date had been so altered. It appears to us that the alteration of

\* Criminal Revision, No. 289 of 1880, called for by the High Court on Sessions Statement of Bhagalpore.

the date under these circumstances is not forgery, as there is nothing to show that it was done "dishonestly or fraudulently" within the meaning of cl. 2, s. 464 of the Penal Code.

1880  


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 IN RE MIR  
 EKRAR ALI.

It is not contended that the bond itself was not genuine, or that the accused intended to support a false claim by a false bond. It is clear that his intention in altering the date of the bond was to cause the registering officer to entertain an erroneous opinion touching a point material to the result of the registration proceedings; and this being so, his acts constituted fabricating false evidence (ss. 192, 193, Penal Code), and using fabricated evidence (s. 196, Penal Code).

In this view of the law, and as the Sessions Judge did not take a serious view of the offence committed, we reduce the sentence of imprisonment to two months' rigorous imprisonment. The sentence of fine will stand.

*Sentence modified.*

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## ORIGINAL CIVIL.

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*Before Sir Richard Garth, Kt., Chief Justice, Mr. Justice Pontifex, and  
 Mr. Justice Morris.*

IN THE GOODS OF GRISH CHUNDER MITTER, DECEASED.

*Letters of Administration—Estate of Deceased Hindu, consisting of Immoveable and Moveable Property.*

1880  


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 Dec. 4.

Except under special circumstances, letters of administration to the estate of a deceased Hindu must be taken out in respect of the immoveable as well as the moveable property forming part of such estate.

THIS was a reference to the Chief Justice under s. 5 of the Court Fees Act (VII of 1870), under the following circumstances:—An application was made on the Original Side of the High Court, before Broughton, J., for the grant of letters of administration to the estate of one Grish Chunder Mitter, deceased, limited to certain Government securities. In addition to these securities, the deceased had left landed property, but the applicant expressly omitted any request for letters of administration in respect of such property. In the opinion of the learned Judge, the question whether letters of administration for such limited purpose could be granted in respect of the estate of a Hindu