

Hasan Ali

Vs

State of Madhya Pradesh

Criminal Appeal No. 521 of 1976

( Syed M. Fazal Ali, D. Chinnappa Reddy JJ)

02.02.1983

ORDER

1. The appellant has been convicted under Section 467 of the Indian Penal Code. He was also charged under Section 420 read with Section 120-B, IPC but he was acquitted of that charge. The charge against the appellant of which he was convicted runs thus :

You on or about any date after December 20, 1968, forged a certain document purporting to be a valuable security to wit Nikah form in respect of your marriage with Sirinbai with intent to commit fraud or that fraud may be committed and you thereby committed an offence punishable under Section 467 of Indian Penal Code and within the cognizance of Court of Session.

2. The main allegation is that the appellant forged a Nikah form. The charge does not mention under what circumstances the document was forged. It is vague. Even when the oral evidence was adduced at the trial no evidence was produced to prove the charge. In the circumstances we find no legal evidence on the basis of which he could be convicted. For those reasons, the appeal is allowed and the conviction and sentence of the appellant under Section 467, IPC are set aside and he is acquitted of the charge. His bail-bonds are canceled. The appeal is accordingly allowed.

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