

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20807 of 2014

Arising Out of PS.Case No. -427 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Priyadarshi Amresh @ Amresh Priyadarshi S/o Late Jitesh Chand Prasad Verma, the then Deputy Registrar, Death & Birth, Muzaffarpur Municipal Corporation, Muzaffarpur at present posted as Assistant Statistical Officer, Economic & Statistic Directorate, Vital Section, Patna Resident of Mohallah Brahampura, in front of Night School, P.S. Brahampura, District Muzaffarpur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rekha Devi, W/o Late Mahesh Chandra, Resident of Mohallah Khadi Bhandar, Kanhauli Math, Azarkawe, P.S. Mithanpura, District Muzaffarpur (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate.
Mr. S.Kumar, Advocate.
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

14 08-02-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

2. Petitioner seeks quashing of cognizance order dated 15.07.2013 passed by the Chief Judicial Magistrate, Muzaffarpur in Complaint Case No. 427 of 2013 thereby taking cognizance of offence under Sections 420, 467 and 468 of Indian Penal Code.

3. The brief facts giving rise to the case is that a



forged death certificate was issued in conspiracy with the petitioner, the then Deputy Registrar Incharge, Death and Birth, Muzaffarpur Municipal Corporation and on that very basis, accused nos. 2 and 3 got land mutated in their names.

4. The first death certificate was issued with regard to death of Mahesh Chandra mentioning his address at the time of death as well as permanent address to Kanhauli Math, Azarkawe, Khadi Bhandar, Muzaffarpur on the basis of application filed by one Prince Kumar, son of Mahesh Chandra. Later on, one Shila Chandra, claiming to be the wife of deceased, filed a petition for issuance of a death certificate submitting that Mahesh Chandra died at her residence at Majhaulia (Rasulpur Jilani), Muzaffarpur. The Registrar made an enquiry in view of Section 15 of the Registration of Births and Deaths Act 1969 and the corresponding rules framed by the State of Bihar and made correction on the address issued at the time of death as well as in the permanent address.

5. Now the only question is whether the correction made by the petitioner comes within the purview of forged document or the complainant was cheated by this act or not.

6. Making a forged document is defined under Section 464 of I.P.C., which reads as under:



“**464. Making a false document.-** A person is said to make a false document or false electronic record-

First- Who dishonestly or fraudulently-

- (a) makes, signs, seals or executes a document or part of a document;
- (b) makes or transmits any electronic record or part of any electronic record;
- (c) affixes any electronic signature on any electronic record;
- (d) makes any mark denoting the executing of a document or the authenticity of the electronic signature,

With the intention of causing it to be believed that such document or part of document, electronic record or electronic signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

Secondly- Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly- Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him, he does not know the contents of the document or electronic record or the nature of the alteration.



7. In view of the aforesaid Section, issuance of a corrected death certificate does not come within the purview of creating a forged document. Moreover, no ingredient of cheating is also made out as there is no inducement given by the accused to the complainant leading to delivery of any property or valuable security to him, so no *prima facie* case under the offence are made out. Accordingly, cognizance order dated 15.07.2013 as well as subsequent criminal proceeding with respect to the petitioner in Complaint Case No. 427 of 2013 is set aside.

8. The application stands allowed.

(Arun Kumar, J)

Sujit/-

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