
(1917) 03 AHC CK 0010
In the Allahabad High Court

Misri Lal

APPELLANT

Vs

Sham Sundar Lal

RESPONDENT

Date of Decision : 17-03-1917

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 195

Citation : AIR 1917 All 354(1) : 39 Ind. Cas. 803

Hon'ble Judges : Henry Richards, C.J

Bench : Single Bench

Judgement

Henry Richards, C.J.—The complainant instituted proceedings against the accused for having committed an offence punishable u/s 466 of the Indian Penal Code. The charge was that the accused had forged the name of the complainant to a vakalatnama authorising a Vakil to appear for the complainant and others in an appeal pending in the High Court. An objection was taken that the Magistrate could not take cognizance of the offence without the sanction of the High Court having regard to the provisions of Section 195 of the Code of Criminal Procedure. Section 195 provides amongst other things that no Court shall take cognizance of any offence described in Section 463 of the Indian Penal Code when such has been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except with the previous sanction of such Court. A vakalatnama authorising a Vakil to appear is brought to the High Court and is there filed, and perhaps the document in the present case can be said to have been "produced" in the appeal. The accused, however, is not and was not a party to the proceeding," that is, the appeal in the High Court. It is, therefore, clear that Section 195 does not apply. I reject the application. The record may be returned.