# IPC Section 192

## Section 192 of the Indian Penal Code: Fabricating False Evidence  
  
Section 192 of the Indian Penal Code (IPC) addresses the grave offense of fabricating false evidence. This comprehensive analysis will delve into the intricacies of Section 192, examining its various components, exploring its judicial interpretations, and discussing its significance within the larger context of the Indian legal system.  
  
\*\*I. Text of Section 192:\*\*  
  
The text of Section 192 is as follows:  
  
“Whoever fabricates false evidence by any of the following means, namely:—  
  
(a) by causing any circumstance to exist, or  
  
(b) by causing any circumstance to appear to exist, or  
  
(c) by making any false entry in any book or record, or electronic record or by making any alteration in any book or record, or electronic record, or by making any other false document, or electronic record containing a false statement, or by omitting to enter any material circumstance in any book or record or electronic record, or  
  
(d) by making any other false document or electronic record containing a false statement, or by omitting to enter any material circumstance in any other document or electronic record intending that such false evidence may appear in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and intending that such false evidence shall be given or used in such proceeding;  
  
is said to “fabricate false evidence”.  
  
\*\*Explanation 1\*\*.—A person “fabricates false evidence” who causes any circumstance to exist, intending that such circumstance may be used, irrespective of whether such circumstance may be used or not as evidence in a judicial proceeding or in a proceeding taken by law before a public servant as such, or before an arbitrator.  
  
  
\*\*Explanation 2\*\*.—A person “fabricates false evidence” who makes any false document or electronic record or alters any document or electronic record, or omits to enter any material circumstance in any document or electronic record intending that such false document or electronic record or altered document or electronic record may be used, irrespective of whether such document or electronic record is or is not used as evidence in a judicial proceeding or in a proceeding taken by law before a public servant as such, or before an arbitrator.  
  
\*\*Explanation 3\*\*.—It is not necessary to prove an intention that any particular judicial proceeding or proceeding taken by law before a public servant as such or before an arbitrator should be instituted. It is sufficient that it be shown that the false evidence was fabricated with intent that it might be used in some judicial proceeding or proceeding taken by law, before a public servant as such, or before an arbitrator.  
  
  
\*\*II. Essential Ingredients of the Offence:\*\*  
  
To establish an offence under Section 192, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Fabrication of false evidence:\*\* This involves the creation of something that is not genuinely true. The section outlines several methods of fabrication:  
  
 a. \*\*Causing a circumstance to exist or appear to exist:\*\* This includes creating a physical situation or manipulating events to create a false impression.  
  
 b. \*\*Making a false entry, alteration, or omission in a book, record, or electronic record:\*\* This covers manipulating written or electronic documents to create false evidence.  
  
 c. \*\*Making any other false document or electronic record:\*\* This encompasses creating entirely fabricated documents or electronic files containing false information.  
  
  
2. \*\*Intention that the fabricated evidence be used in a proceeding:\*\* The accused must have intended that the fabricated evidence be used in a judicial proceeding, a proceeding before a public servant, or an arbitration. This intention is a crucial element of the offence. It’s important to note that the Explanations to Section 192 clarify that the intention doesn't need to be tied to a specific proceeding; a general intention that it might be used in \*some\* proceeding is sufficient.  
  
3. \*\*The proceeding must be a judicial proceeding, a proceeding before a public servant, or an arbitration:\*\* The fabricated evidence must be intended for use in one of these specific types of proceedings. This limits the scope of the section and distinguishes it from situations where false information might be created for other purposes.  
  
\*\*III. Scope and Applicability:\*\*  
  
Section 192 has a broad scope and applies to various forms of fabricated evidence. Examples include:  
  
\* \*\*Creating false physical evidence:\*\* Planting weapons, forging fingerprints, or staging a crime scene.  
  
\* \*\*Manipulating documentary evidence:\*\* Forging signatures, altering dates on documents, creating false invoices or receipts.  
  
\* \*\*Creating false electronic evidence:\*\* Fabricating emails, manipulating digital images, creating fake social media profiles.  
  
  
\*\*IV. Distinction between Section 192 and other related offences:\*\*  
  
Section 192 must be distinguished from related offences, including:  
  
\* \*\*Section 191 (Giving false evidence):\*\* Section 191 deals with the act of presenting false evidence in a proceeding, while Section 192 focuses on the creation or fabrication of that evidence. Fabricating evidence is a distinct offence, even if it’s never actually used in a proceeding.  
  
\* \*\*Section 193 (Punishment for false evidence):\*\* Section 193 prescribes the punishment for both giving and fabricating false evidence. Section 192 defines the act of fabrication, while Section 193 outlines the penalties.  
  
\* \*\*Section 463 (Forgery):\*\* While there can be overlap, forgery is a more specific offence related to creating false documents. Section 192 encompasses a broader range of fabricated evidence, including physical evidence and electronic records.  
  
  
\*\*V. Judicial Interpretations:\*\*  
  
Several judicial decisions have shaped the interpretation and application of Section 192. Key principles include:  
  
\* \*\*Proof of intention:\*\* The prosecution must prove the intention to use the fabricated evidence in a proceeding. This intention can be inferred from the circumstances surrounding the fabrication.  
  
\* \*\*No requirement of actual use:\*\* The offence is complete upon fabrication with the requisite intention, even if the fabricated evidence is never actually used in a proceeding.  
  
\* \*\*The stage of fabrication:\*\* The fabrication must reach a stage where it can potentially be used as evidence. Mere preparation to fabricate evidence is not sufficient.  
  
  
\*\*VI. Significance and Contemporary Relevance:\*\*  
  
Section 192 plays a crucial role in safeguarding the integrity of the judicial process. False evidence can lead to miscarriages of justice, wrongful convictions, and undermine public trust in the legal system. By criminalizing the fabrication of false evidence, Section 192 acts as a deterrent and ensures the reliability of evidence presented in legal proceedings. In the contemporary digital age, with the increasing use of electronic evidence, the importance of Section 192 has grown significantly. The inclusion of "electronic records" within the scope of the section ensures its continued relevance in addressing the challenges posed by new technologies.  
  
\*\*VII. Conclusion:\*\*  
  
Section 192 of the IPC is a crucial provision that addresses the serious offence of fabricating false evidence. By clearly defining the elements of the offence and prescribing punishment for its violation, the section plays a vital role in maintaining the integrity of the judicial process. Judicial interpretations have clarified the scope and application of the section, ensuring its effectiveness in deterring the creation of false evidence. As technology continues to evolve, Section 192's adaptability to encompass electronic records ensures its continued relevance in protecting the justice system from the manipulation and fabrication of evidence.