# IPC Section 474

## Section 474 of the Indian Penal Code: Having Possession of a document described in Section 466 or 467, knowing it to be forged and intending to use it as genuine  
  
Section 474 of the Indian Penal Code (IPC) deals with the possession of forged documents, specifically those described in Section 466 (Forgery of a record of a Court or of a public register, etc.) or Section 467 (Forgery of valuable security, will, etc.). It criminalizes not just the act of forging these documents but also the knowing possession of such forged documents with the intention to use them as genuine. This detailed explanation will delve into various aspects of Section 474, including its ingredients, relevant case laws, punishment, and related provisions.  
  
\*\*I. Text of Section 474:\*\*  
  
“Whoever has in his possession any document described in section 466 or 467, knowing it to be forged and intending to use it as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”  
  
  
\*\*II. Essential Ingredients of Section 474:\*\*  
  
To establish an offense under Section 474, the prosecution must prove the following essential ingredients beyond a reasonable doubt:  
  
1. \*\*Possession of a document:\*\* The accused must have physical possession of the forged document described in Section 466 or 467. This possession can be actual or constructive. Actual possession implies direct physical control over the document, while constructive possession means having dominion or control over the document, even if it is not physically present with the accused. For example, if a forged document is kept in a locker controlled by the accused, it can be considered constructive possession.  
  
2. \*\*Document described in Section 466 or 467:\*\* The forged document must fall under the categories described in either Section 466 or Section 467.  
  
 \* \*\*Section 466:\*\* This section deals with forgery of records of a Court or of a public register, etc. This includes documents like court decrees, judicial proceedings, registers of births, deaths, marriages, or any other public record.  
  
 \* \*\*Section 467:\*\* This section deals with forgery of valuable security, will, etc. This includes valuable documents like wills, promissory notes, bills of exchange, or any document that creates, transfers, extends, or extinguishes a legal right, or releases an obligation.  
  
3. \*\*Knowledge that the document is forged:\*\* The accused must have knowledge that the document in their possession is forged. This means they must be aware that the document is not genuine and has been fabricated or altered fraudulently. The prosecution must prove this knowledge through circumstantial evidence or direct evidence like confessions or witness testimonies. Mere suspicion or doubt about the genuineness of the document is not sufficient.  
  
4. \*\*Intention to use it as genuine:\*\* The accused must possess the forged document with the specific intention of using it as if it were a genuine document. The prosecution must establish that the accused intended to deceive others by presenting the forged document as genuine. This intention can be inferred from the circumstances, the nature of the document, and the conduct of the accused. Mere possession without the intention to use it fraudulently is not an offense under Section 474.  
  
  
\*\*III. Difference between Sections 471, 473, and 474:\*\*  
  
It's essential to differentiate Section 474 from related sections dealing with forged documents:  
  
\* \*\*Section 471 (Using as genuine a forged document):\*\* This section deals with the act of using a forged document as if it were genuine, knowing or having reason to believe that it is forged. While Section 474 criminalizes the possession of specific forged documents with the intent to use them, Section 471 focuses on the actual act of using any forged document.  
  
\* \*\*Section 473 (Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise):\*\* This section specifically deals with making or possessing counterfeit seals or signatures used by public servants with the intention of committing forgery. Section 474 covers a broader range of forged documents, including those described in Sections 466 and 467.  
  
The key difference between these sections lies in the stage of the crime they address. Section 473 deals with the preparation for forgery, Section 474 deals with possession with intent to use, and Section 471 deals with the actual use of the forged document.  
  
  
\*\*IV. Punishment under Section 474:\*\*  
  
Section 474 prescribes punishment of imprisonment of either description (rigorous or simple) for a term which may extend to seven years, and also a fine. The severity of the punishment reflects the seriousness of the offense, considering the potential harm that could result from using forged documents described in Sections 466 and 467.  
  
  
\*\*V. Related Sections:\*\*  
  
Several other sections of the IPC are relevant to Section 474:  
  
\* \*\*Section 463 (Forgery):\*\* This section defines "forgery" and provides a general definition that encompasses various types of forgery. Section 474 deals with a specific instance of possessing forged documents with the intent to use them as genuine.  
  
\* \*\*Sections 466 & 467:\*\* These sections define the specific types of documents covered under Section 474.  
  
\* \*\*Section 471 (Using as genuine a forged document):\*\* As discussed earlier, this section deals with the actual use of a forged document.  
  
\* \*\*Section 476 (Counterfeiting device or mark used for authenticating documents described in Section 467, or possessing counterfeit marked material):\*\* This section deals with counterfeiting devices or marks used for authenticating documents described in Section 467.  
  
  
\*\*VI. Case Laws related to Section 474:\*\*  
  
Several case laws have interpreted and applied Section 474. These cases help understand the nuances of the section and its application in various situations. While specific case details may vary, these judgments contribute to the evolving understanding and application of the law. It is crucial to refer to updated legal databases and expert legal advice for specific case-related information.  
  
  
\*\*VII. Importance of Section 474:\*\*  
  
Section 474 plays a crucial role in preventing fraud and protecting the integrity of legal documents and public records. By criminalizing the possession of forged documents with the intent to use them as genuine, it deters individuals from engaging in such fraudulent activities and safeguards individuals and institutions from the potential harm that could arise from the use of such forged documents.  
  
  
\*\*VIII. Proving the Offense:\*\*  
  
Proving an offense under Section 474 requires careful collection and presentation of evidence. The prosecution must establish beyond reasonable doubt that the accused possessed the document, knew it was forged, and intended to use it as genuine. This can involve various forms of evidence, including:  
  
\* \*\*Recovery of the forged document from the possession of the accused:\*\* This is crucial evidence establishing possession.  
  
\* \*\*Forensic analysis of the document:\*\* This can help establish that the document is indeed forged.  
  
\* \*\*Witness testimonies:\*\* Witnesses who can testify to the accused's possession of the document and their knowledge of its forged nature can be valuable.  
  
\* \*\*Circumstantial evidence:\*\* The circumstances surrounding the possession, the conduct of the accused, and any other relevant facts can be used to infer the accused's knowledge and intention.  
  
  
\*\*IX. Defenses against Section 474:\*\*  
  
Possible defenses against a charge under Section 474 could include:  
  
\* \*\*Lack of possession:\*\* The accused could argue that they did not possess the document.  
  
\* \*\*Lack of knowledge:\*\* The accused could argue that they were unaware that the document was forged.  
  
\* \*\*Lack of intention:\*\* The accused could argue that they had no intention of using the document as genuine.  
  
\* \*\*Entrapment:\*\* The accused could argue they were induced by law enforcement to possess the document.  
  
  
\*\*X. Conclusion:\*\*  
  
Section 474 of the IPC is a crucial provision in the fight against forgery and fraud. By criminalizing the possession of forged documents described in Sections 466 and 467, with the intent to use them as genuine, it protects individuals, institutions, and the integrity of legal documents and public records. Understanding the elements of this offense, its related provisions, and the potential defenses is vital for both legal professionals and the general public. However, for specific legal advice and application in individual cases, consulting with a legal professional is always recommended.