# IPC Section 208: Fraudulently suffering decree for sum not due.

## IPC Section 208: Fraudulently Suffering Decree for Sum Not Due - A Detailed Analysis  
  
Section 208 of the Indian Penal Code (IPC) deals with the specific form of fraud where an individual dishonestly allows a court decree to be passed against them for a sum they do not actually owe. This section targets collusive and deceitful practices aimed at defrauding others by creating a false legal obligation. It protects the integrity of the judicial system and the interests of those who might be harmed by such fraudulent decrees.  
  
\*\*The precise wording of Section 208 is as follows:\*\*  
  
"Whoever fraudulently causes or suffers a decree for a sum not due to be passed against himself at the suit of any person, or fraudulently aids in any other manner the passing of such a decree, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."  
  
\*\*Breaking down the elements of the offense:\*\*  
  
1. \*\*Fraudulently Causes or Suffers:\*\* This element encompasses both active and passive participation in the fraudulent act.  
  
 \* \*\*Causes:\*\* This refers to actively instigating or facilitating the passing of the decree. This could involve colluding with the plaintiff, providing false evidence, or deliberately abstaining from contesting the claim.  
 \* \*\*Suffers:\*\* This refers to passively allowing the decree to be passed without offering a legitimate defense, even though the individual knows they do not owe the claimed sum. This implies a deliberate and dishonest omission to protect one's own interests and prevent the passing of an unjust decree.  
  
2. \*\*Decree for a Sum Not Due:\*\* The decree obtained must be for an amount that the defendant genuinely does not owe. This is the core element of the fraud. The section does not apply if the debt is legitimate, even if there is a dispute about the exact amount. The focus is on the falsity of the claimed debt.  
  
3. \*\*Against Himself:\*\* The decree must be passed against the person committing the offense. This highlights the element of personal gain or advantage, even if indirect, that the individual seeks through this fraudulent act.  
  
4. \*\*At the Suit of Any Person:\*\* The decree can be obtained at the suit of any person, whether an individual, a company, or any other entity. This emphasizes that the focus is on the fraudulent act itself, irrespective of the identity of the plaintiff.  
  
5. \*\*Fraudulently Aids in Any Other Manner:\*\* This broadens the scope of the offense beyond directly causing or suffering the decree. It includes any form of fraudulent assistance or support provided to facilitate the passing of the decree. This could involve providing false testimony, concealing evidence, or influencing witnesses.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A debtor colludes with a friend to file a false suit for a non-existent debt. The debtor intentionally does not contest the suit, allowing the friend to obtain a decree against them. The debtor then uses this decree to defraud their actual creditors by claiming insolvency or prioritizing the fraudulent debt.  
\* A person facing potential litigation from a legitimate creditor colludes with another person to have a fraudulent decree passed against them for a larger sum than they actually owe to this second person. This allows them to claim limited assets and prioritize the fraudulent debt over the legitimate claim.  
\* An individual helps a friend obtain a fraudulent decree against themselves by providing false evidence of a loan transaction that never occurred. The friend then uses this decree to gain an unfair advantage in a property dispute.  
  
  
\*\*Distinguishing Section 208 from other related offenses:\*\*  
  
\* \*\*Section 420 (Cheating):\*\* While both sections deal with fraudulent acts, Section 208 is specific to fraudulently obtaining decrees for sums not due. Section 420 has a much broader scope, covering various forms of cheating and dishonesty. An act falling under Section 208 could potentially also be covered under Section 420, but the specific nature of the offense under Section 208 makes it a distinct provision.  
  
\* \*\*Section 191 (Giving false evidence):\*\* Providing false evidence to facilitate a fraudulent decree could also be punishable under Section 191. However, Section 208 specifically targets the fraudulent act of obtaining the decree itself, even if it does not involve giving false evidence directly.  
  
  
\*\*Punishment:\*\*  
  
Section 208 prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to two years, or with fine, or with both. The severity of the punishment depends on the amount involved in the fraudulent decree, the intent of the offender, and the overall impact of the fraud.  
  
  
  
\*\*Significance of Section 208:\*\*  
  
Section 208 is crucial for maintaining the integrity of the judicial process and preventing its misuse for fraudulent purposes. It protects individuals from being victimized by collusive lawsuits and deceitful decrees. By criminalizing such conduct, the section upholds the principle that the legal system should be used to deliver justice, not to perpetrate fraud. It ensures that court decrees reflect genuine legal obligations and prevents individuals from using the judicial system as a tool for personal gain through dishonest means. This reinforces public trust in the judiciary and contributes to a fair and equitable legal environment. Section 208 acts as a deterrent against manipulating the judicial process for fraudulent ends and protects the interests of all stakeholders involved in legal proceedings.