# IPC Section 266: Being In possession of false weight or measure.

## IPC Section 266: Being in Possession of False Weight or Measure  
  
Section 266 of the Indian Penal Code (IPC) addresses the offense of possessing a false weight or measure. This provision targets individuals who keep inaccurate weights or measures with the intent to defraud, even if they haven't yet used them in any transaction. This proactive approach aims to prevent potential fraud and protect the integrity of marketplace transactions. This essay delves into the details of Section 266, exploring its elements, scope, punishment, related legal aspects, and its significance in maintaining fair trade practices.  
  
\*\*Definition and Scope:\*\*  
  
Section 266 states: “Whoever is in possession of any instrument for weighing, or any weight or measure, which he knows to be false, and intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.”  
  
Breaking down this section reveals its key components:  
  
1. \*\*Possession:\*\* The central element of this offense is the “possession” of a false weight or measure. Possession can be both physical and constructive. Physical possession implies direct physical control over the weight or measure. Constructive possession refers to a situation where a person, though not having physical control, has the power and intention to exercise control over it. For example, if someone hides false weights in their storage room or entrusts them to an employee for safekeeping, they can still be deemed to be in possession. The prosecution must establish the accused's possession of the false weight or measure beyond a reasonable doubt.  
  
  
2. \*\*Instrument for Weighing, Weight, or Measure:\*\* The object in question can be an “instrument for weighing,” a “weight,” or a “measure.” An “instrument for weighing” refers to any device used for determining weight, such as scales or balances. A “weight” refers to a standardized object used to compare the weight of other objects. A “measure” refers to an instrument or device used to determine length, volume, or other quantities, such as measuring tapes, measuring cups, or containers. The section covers a wide range of instruments and objects used for determining quantity.  
  
  
3. \*\*Knowledge of Falsity:\*\* The offense requires the individual to have “knowledge” that the instrument, weight, or measure is “false.” This means the person must be aware that the instrument or object is inaccurate and does not provide true measurements. Mere possession of a false weight or measure without knowledge of its inaccuracy does not constitute an offense under this section. The prosecution must prove the accused’s knowledge of the falsity, which can often be inferred from circumstantial evidence, such as the manner in which the false weight or measure was acquired, attempts to conceal it, or prior complaints about its accuracy.  
  
  
4. \*\*Intent for Fraudulent Use:\*\* The section requires a specific intent – that the false weight or measure “may be fraudulently used.” This signifies that the possessor intends to use the inaccurate instrument or object for dishonest purposes in the future, even if no actual fraudulent use has yet occurred. This proactive approach aims to prevent potential fraud before it takes place. The prosecution must establish this intent, which can be inferred from the circumstances, such as possessing a large number of false weights or measures, possessing tools or materials for altering weights or measures, or expressing an intention to use them fraudulently.  
  
  
  
\*\*Punishment:\*\*  
  
The punishment for the offense under Section 266 is imprisonment of either description for a term which may extend to six months, or with a fine, or with both. “Either description” signifies that the imprisonment can be either rigorous (with hard labor) or simple. The severity of the punishment is at the court’s discretion and depends on the specific circumstances of the case, including the type and number of false weights or measures possessed, the potential impact of their fraudulent use, and the accused’s criminal history.  
  
  
\*\*Difference from related offenses:\*\*  
  
Section 266 focuses on the \*possession\* of false weights or measures with the \*intent\* to defraud. It is distinct from Section 265, which deals with the actual \*use\* of false weights or measures. Section 264 deals with the fraudulent use of false \*instruments\* for weighing. While all three sections aim to prevent measurement-related fraud, they address different stages of the offense. A person can be charged under multiple sections if their actions involve both possession and use of false weights or measures. It’s also distinct from general offenses related to cheating or fraud, such as Section 415 (cheating) and Section 420 (cheating and dishonestly inducing delivery of property).  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving an offense under Section 266 requires strong and convincing evidence. The prosecution must establish the accused's possession of the weight or measure, demonstrate its falsity and inaccuracy, and prove the accused’s knowledge of its falsity and the intent to use it fraudulently. This can be achieved through various means, including:  
  
  
\* \*\*Seizure and examination of the weight or measure:\*\* A metrology expert can examine the seized weight or measure to determine its accuracy and identify any defects or manipulations.  
\* \*\*Comparison with a certified standard:\*\* Comparing the measurements obtained using the seized weight or measure with a certified standard can demonstrate its inaccuracy.  
\* \*\*Witness testimony:\*\* Testimony from individuals who witnessed the possession or were aware of the accused’s intent to use the false weight or measure fraudulently can be crucial.  
\* \*\*Documentary evidence:\*\* Any documents related to the acquisition or intended use of the false weight or measure can serve as evidence.  
\* \*\*Circumstantial evidence:\*\* Evidence of the accused’s behavior, such as attempts to conceal the false weight or measure, or expressions of intent to use it fraudulently, can be used to infer knowledge and intent.  
  
  
  
  
\*\*Illustrations:\*\*  
  
\* \*\*Scenario 1:\*\* A shopkeeper keeps a set of false weights hidden under the counter, intending to use them to cheat customers during busy periods. This constitutes an offense under Section 266.  
\* \*\*Scenario 2:\*\* A person inherits a set of antique weights and measures, some of which are inaccurate, without being aware of their falsity. This does not constitute an offense under Section 266, as there is no knowledge of the falsity.  
\* \*\*Scenario 3:\*\* A laboratory technician possesses a set of slightly inaccurate weights for use in preliminary experiments, with no intent to use them in any official measurements or transactions. This might not constitute an offense under Section 266 if there’s no intent for fraudulent use, but it might violate other regulations related to metrology standards.  
  
  
  
  
  
\*\*Conclusion:\*\*  
  
Section 266 of the IPC plays a vital role in preventing fraud and maintaining fair trade practices by criminalizing the possession of false weights and measures with the intent to defraud. This proactive approach allows authorities to intervene before any actual fraudulent use occurs. Effective enforcement requires diligent investigation, careful evidence collection, and a clear understanding of the legal principles involved. This provision, along with other relevant sections of the IPC, provides a robust legal framework to protect consumers and businesses from deceptive practices involving inaccurate measurements and ensure the integrity of commercial transactions.