# IPC Section 472: Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.

## IPC Section 472: Making or Possessing Counterfeit Seal, etc., with Intent to Commit Forgery Punishable Under Section 467 - A Detailed Analysis  
  
Section 472 of the Indian Penal Code (IPC) addresses the preparatory acts leading to a specific type of forgery – the forgery of valuable security, wills, and other valuable documents, which is punishable under Section 467. It criminalizes the making or possession of counterfeit seals, plates, or other instruments specifically intended for committing forgery under Section 467. This proactive approach targets the tools and instruments of forgery, aiming to prevent the commission of the more serious offence of forgery itself.  
  
\*\*The Text of Section 472:\*\*  
  
“Whoever makes or counterfeits any seal, plate, or other instrument for making or counterfeiting any document or electronic record which document or electronic record shall be or shall be intended to be used for the purpose of committing any offence which shall be punishable under section 467, or, with such intent, causes or procures to be made or counterfeited any such seal, plate, or other instrument, or, with such intent, knowingly possesses any such seal, plate, or other instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”  
  
\*\*Dissecting the Elements of the Offence:\*\*  
  
To establish an offence under Section 472, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Making or Counterfeiting:\*\* The accused must have either made or counterfeited a seal, plate, or other instrument. "Making" refers to the creation of a new instrument, while "counterfeiting" involves imitating an existing one. The instrument could be anything used for creating a forged document, such as a fake stamp, a printing plate, specialized software, or even a handwritten template.  
  
2. \*\*Intended Use for Forgery Under Section 467:\*\* This is the crucial element that distinguishes Section 472 from other provisions related to forgery. The seal, plate, or instrument must be intended for use in committing forgery that would be punishable under Section 467. Section 467 specifically deals with forgery of valuable security, wills, and other valuable documents. Therefore, the prosecution must establish that the instruments in question were intended for forging documents of this nature, not just any document.  
  
3. \*\*Intent to Commit Forgery:\*\* The accused must have possessed the intention to commit forgery using the counterfeit instrument. This intent must exist at the time of making or possessing the instrument. The prosecution typically relies on circumstantial evidence to infer this intent, such as the nature of the instrument, the circumstances of its discovery, or any other related evidence.  
  
4. \*\*Knowledge of the Instrument's Counterfeit Nature (for Possession):\*\* If the charge relates to possession, the accused must knowingly possess the counterfeit instrument. This means they must be aware that the seal, plate, or instrument is counterfeit and intended for forgery. Simply possessing a counterfeit instrument without knowledge of its nature does not constitute an offence under this section.  
  
\*\*Alternative Forms of the Offence:\*\*  
  
The section also covers alternative forms of committing the offence:  
  
\* \*\*Causing or Procuring the Making or Counterfeiting:\*\* Even if the accused didn't personally make the counterfeit instrument, they can still be liable if they caused or procured someone else to make it, with the requisite intent. This expands the scope of the section to include those who instigate or facilitate the creation of forgery instruments.  
  
\* \*\*Knowingly Possessing:\*\* Simply possessing the counterfeit instrument with the intent to use it for forgery under Section 467 is sufficient to constitute an offence. This targets those who may not have created the instrument themselves but intend to use it for fraudulent purposes.  
  
\*\*Punishment:\*\*  
  
Section 472 prescribes a punishment of imprisonment of either description for a term which may extend to seven years, along with a fine. The severity of the punishment reflects the seriousness of the offence and its potential to facilitate significant financial fraud or other harm through the forgery of valuable documents.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* Creating a counterfeit seal of a government agency with the intention of forging land deeds.  
\* Possessing a printing plate designed for producing counterfeit share certificates.  
\* Procuring specialized software for creating forged wills.  
  
  
\*\*Distinction from Other Sections:\*\*  
  
Section 472 differs from other sections related to forgery by specifically targeting the instruments used in committing forgery punishable under Section 467. While other sections deal with the act of forgery itself or the possession of forged documents, Section 472 focuses on preventing forgery by criminalizing the creation and possession of the tools used for that purpose. This proactive approach strengthens the legal framework against forgery.  
  
\*\*Challenges in Prosecution:\*\*  
  
Proving the intent to commit forgery can be challenging. The prosecution relies on circumstantial evidence and the nature of the instrument itself to establish the accused's intent. The accused may argue that the instrument was intended for a different, legitimate purpose. Thorough investigation and meticulous presentation of evidence are crucial for successful prosecution.  
  
  
\*\*Conclusion:\*\*  
  
Section 472 of the IPC serves as a vital deterrent against the creation and use of counterfeit instruments for forging valuable documents. It recognizes the potential harm that can arise from such forgery and proactively targets the tools and methods used to perpetrate it. By specifically linking the offence to forgery punishable under Section 467, it focuses on preventing particularly serious forms of forgery that can have significant financial and legal consequences. The effective application of this section requires a nuanced understanding of the specific elements of the offence, the intent of the individual involved, and the potential impact of the counterfeit instruments. This section, in conjunction with other related provisions, contributes significantly to a comprehensive legal strategy against forgery and strengthens the protection of valuable documents and instruments.