# IPC Section 473: Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.

## IPC Section 473: Making or Possessing Counterfeit Seal, etc., with Intent to Commit Forgery Punishable Otherwise – A Comprehensive Analysis  
  
Section 473 of the Indian Penal Code (IPC) complements Section 472, broadening the scope of the law against possessing instruments intended for forgery. While Section 472 specifically addresses instruments intended for forgery punishable under Section 467 (forgery of valuable security, wills, etc.), Section 473 covers instruments intended for any other type of forgery punishable under the IPC. This broader scope reflects the legislature's intent to criminalize the possession of tools and instruments designed for any form of fraudulent document creation.  
  
\*\*The Text of Section 473:\*\*  
  
“Whoever makes or counterfeits any seal, plate or other instrument for making or counterfeiting any document or electronic record, other than those specified in the last preceding section which document or electronic record shall be or shall be intended to be used for the purpose of committing any offence relating to forgery, 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 three years, and shall also be liable to fine.”  
  
\*\*Dissecting the Elements of the Offence:\*\*  
  
To establish an offence under Section 473, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Making or Counterfeiting:\*\* Similar to Section 472, the accused must have either made or counterfeited a seal, plate, or other instrument designed for creating forged documents. This includes a wide range of instruments, from fake stamps and printing plates to specialized software and handwritten templates.  
  
2. \*\*Intended Use for Forgery Other Than Under Section 467:\*\* This is the key distinguishing element between Sections 472 and 473. The instrument must be intended for use in committing any offence relating to forgery \*other than\* those specifically covered under Section 467. This includes forgery offenses like forging a certificate (Section 465), forging a record of court (Section 466), and forgery for the purpose of harming reputation (Section 469).  
  
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 demonstrate intent, considering the nature of the instrument, the circumstances of its discovery, and any related actions or statements by the accused.  
  
4. \*\*Knowledge of the Instrument's Counterfeit Nature (for Possession):\*\* If the charge relates to possession, the accused must knowingly possess the counterfeit instrument. They must be aware that the instrument is counterfeit and intended for forgery. Mere possession without knowledge of its counterfeit nature does not constitute an offence under this section.  
  
  
\*\*Alternative Forms of the Offence:\*\*  
  
Similar to Section 472, Section 473 also covers alternative forms of committing the offence:  
  
\* \*\*Causing or Procuring the Making or Counterfeiting:\*\* The accused can be liable even if they didn't personally make the counterfeit instrument, if they caused or procured someone else to make it with the intent that it be used for forgery.  
  
\* \*\*Knowingly Possessing:\*\* Possessing the counterfeit instrument with the intent to use it for any forgery offence (other than those under Section 467) is sufficient to constitute an offence. This targets those who may not have created the instrument but intend to use it for fraudulent document creation.  
  
\*\*Punishment:\*\*  
  
Section 473 prescribes a punishment of imprisonment of either description for a term which may extend to three years, and a fine. While the punishment is less severe than that under Section 472, it still reflects the seriousness of possessing instruments intended for forgery.  
  
\*\*Illustrative Examples:\*\*  
  
\* Creating a fake stamp of a university for forging degree certificates.  
\* Possessing a template for forging medical prescriptions.  
\* Procuring software for creating forged identification documents.  
  
\*\*Distinction from Other Sections:\*\*  
  
Section 473 complements Section 472 by addressing a wider range of forgery instruments. While Section 472 focuses on instruments intended for specific high-value document forgery, Section 473 covers instruments intended for any other type of forgery under the IPC. This broader scope ensures a more comprehensive legal framework against forgery.  
  
\*\*Challenges in Prosecution:\*\*  
  
Similar to Section 472, proving the intent to commit forgery can be challenging. The prosecution needs to rely on circumstantial evidence and the nature of the instrument to establish the accused’s intent. The accused may argue that the instrument was meant for a legitimate purpose, necessitating a careful examination of the evidence and circumstances surrounding the possession or creation of the instrument.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 473 of the IPC plays a crucial role in combating forgery by criminalizing the possession and creation of instruments intended for fraudulent document creation. It complements Section 472 by covering a wider range of forgery instruments, thereby strengthening the overall legal framework against forgery. The effective application of this section necessitates a thorough understanding of the elements of the offence, the accused's intent, and the potential misuse of the counterfeit instrument. This comprehensive approach, encompassing both the act of forgery and the possession of instruments intended for forgery, demonstrates the law's commitment to preventing and punishing fraudulent document creation and protecting the integrity of various legal and administrative processes.