# IPC Section 474: Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine.

## IPC Section 474: Possessing Forged Documents Described in Section 466 or 467 – A Comprehensive Analysis  
  
Section 474 of the Indian Penal Code (IPC) deals with the possession of specific types of forged documents, namely those described in Section 466 (forgery of a record of Court or of public register, etc.) or Section 467 (forgery of valuable security, will, etc.). This section criminalizes not merely the act of forgery, but also the possession of such forged documents with the knowledge of their fraudulent nature and the intent to use them as genuine. It targets individuals who, though not necessarily involved in the creation of the forgery, contribute to the potential harm by holding and intending to utilize these forged documents.  
  
\*\*The Text of Section 474:\*\*  
  
“Whoever has in his possession any document or electronic record, knowing or having reason to believe that such document or electronic record is forged and meaning to use the same as genuine, which document or electronic record shall be such that he might commit an offence under section 466, or section 467, if he used the same as genuine, shall, if the document or electronic record is one of the description mentioned in section 466, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document or electronic record is one of the description mentioned in section 467, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”  
  
\*\*Dissecting the Elements of the Offence:\*\*  
  
To establish an offence under Section 474, the prosecution must prove the following elements beyond reasonable doubt:  
  
1. \*\*Possession of the Document:\*\* The accused must have physical or constructive possession of the forged document. Physical possession implies having direct control over the document, while constructive possession means having the power and intention to control it, even if it’s not physically in their hands.  
  
2. \*\*Knowledge or Reason to Believe it is Forged:\*\* The accused must know or have reason to believe that the document is forged. This element focuses on the mental state of the accused. They need not be involved in the creation of the forgery, but they must be aware, or have reasonable grounds for suspicion, that the document is not genuine. The prosecution often relies on circumstantial evidence, like the manner of acquisition, the document's appearance, or inconsistencies in its content, to establish this element.  
  
3. \*\*Intent to Use it as Genuine:\*\* The accused must intend to use the forged document as if it were genuine. This signifies an intention to deceive or mislead someone by presenting the forged document as authentic. The intent doesn't have to materialize; the mere intention to use it fraudulently is sufficient to constitute an offence.  
  
4. \*\*Document Described in Section 466 or 467:\*\* The forged document must fall within the descriptions provided in either Section 466 or 467.  
  
 \* \*\*Section 466:\*\* This section covers forged records of Court or of public registers, documents purporting to be issued by a public servant, and other valuable documents like certificates of births, deaths, and marriages.  
 \* \*\*Section 467:\*\* This section deals with forged valuable security (like wills, bonds, and deeds), or documents purporting to be valuable security.  
  
  
\*\*Punishment:\*\*  
  
The punishment under Section 474 varies depending on the nature of the forged document:  
  
\* \*\*For documents described in Section 466:\*\* Imprisonment of either description for a term which may extend to seven years, and a fine.  
\* \*\*For documents described in Section 467:\*\* Imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and a fine.  
  
The harsher penalty for possessing forged documents described in Section 467 reflects the greater potential for harm associated with these documents, which often involve significant financial or property interests.  
  
\*\*Illustrative Examples:\*\*  
  
\* Possessing a forged court order with the intent to use it to influence a legal proceeding.  
\* Having a forged property deed with the intention of claiming ownership of the property.  
\* Possessing a forged will with the intent to claim inheritance.  
  
  
\*\*Distinction from Using a Forged Document:\*\*  
  
It’s crucial to distinguish between possessing a forged document (Section 474) and using a forged document (Section 471). While Section 474 focuses on the possession with intent to use, Section 471 deals with the actual use of the forged document. Both offences are distinct but related, with Section 474 targeting the preparatory stage of the crime.  
  
  
\*\*Challenges in Prosecution:\*\*  
  
Proving the intent to use the forged document as genuine can be challenging. The prosecution often relies on circumstantial evidence and the accused’s conduct to establish this element. The accused might claim that they were unaware of the document's forged nature or that they had no intention of using it fraudulently. Therefore, a thorough investigation and a robust presentation of evidence are essential for successful prosecution.  
  
  
\*\*Conclusion:\*\*  
  
Section 474 of the IPC plays a crucial role in preventing the circulation and fraudulent use of specific types of forged documents. By criminalizing the possession of such documents with the knowledge of their forged nature and the intent to use them as genuine, it effectively targets a critical link in the chain of forgery-related crimes. The section's graded punishment structure, differentiating between documents described in Section 466 and 467, reflects the varying degrees of potential harm associated with different types of forged documents. The effective implementation of this section, along with related provisions, contributes significantly to maintaining the integrity of legal documents, protecting individuals and institutions from fraud, and upholding public trust in legal and administrative systems.