# IPC Section 488: Punishment for making use of any such false mark.

## IPC Section 488: Punishment for Making Use of Any Such False Mark – A Detailed Analysis  
  
Section 488 of the Indian Penal Code (IPC) specifies the punishment for making use of a false mark on a receptacle or related item, as described in Section 487. While Section 487 defines the act of creating the false mark, Section 488 focuses on the \*use\* of such a mark in trade or commerce. This includes selling, exposing for sale, or possessing for any trade or manufacturing purpose goods contained in receptacles bearing false markings. By criminalizing the use of these deceptively marked goods, Section 488 aims to prevent the circulation of misrepresented products in the market and protect consumers from being misled.  
  
\*\*The Text of Section 488:\*\*  
  
"Whoever sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things marked with any such false mark as is mentioned in section 487, knowing such mark to be false, shall, unless he proves that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."  
  
\*\*Breaking Down the Elements and Application:\*\*  
  
1. \*\*Selling, Exposing for Sale, or Possession for Trade/Manufacture:\*\* The section covers various activities related to the commercial use of falsely marked goods. This includes the act of selling such goods, displaying them with the intent to sell ("exposing for sale"), and possessing them for the purpose of trade or manufacture. This broad scope covers different stages of the supply chain and prevents individuals from evading liability by claiming they were simply storing or transporting the goods.  
  
2. \*\*Goods Marked with a False Mark as Defined in Section 487:\*\* The goods in question must be contained in a receptacle or bear a covering, label, or reel marked with a false mark as described in Section 487. This means the mark must be deceptive regarding the manufacturer, merchandise, quality, quantity, composition, or any privilege or exemption associated with the goods. It's crucial to understand the types of false marks covered under Section 487 to fully grasp the scope of Section 488.  
  
3. \*\*Knowledge of the Mark's Falsity:\*\* The individual must \*know\* that the mark is false. This requires awareness that the mark is misleading or misrepresents the goods contained within the receptacle. Innocent or unintentional use of falsely marked goods, without knowledge of the mark's falsity, does not fall under this section.  
  
4. \*\*Burden of Proof and Defence:\*\* Similar to Sections 486 and 487, Section 488 incorporates a partial burden of proof on the accused. While the prosecution needs to establish the core elements, including knowledge, the accused can offer a defence by proving they took reasonable precautions and had no reason to suspect the mark's falsity. This defence necessitates demonstrating proactive measures taken to verify the authenticity of the marks and a reasonable belief in their genuineness at the time of the offence.  
  
5. \*\*Punishment:\*\* Section 488 prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to one year, or with fine, or with both. The penalty is less severe than that for making the false mark (Section 487), reflecting the fact that this section deals with the \*use\* of the falsely marked goods rather than their creation.  
  
\*\*Key Considerations:\*\*  
  
\* \*\*Focus on Preventing Circulation of Falsely Marked Goods:\*\* Section 488 aims to prevent the distribution and sale of goods bearing deceptive markings, protecting consumers and ensuring fair competition.  
\* \*\*Interdependence with Section 487:\*\* Understanding Section 487 is essential for interpreting and applying Section 488, as the latter directly relies on the definitions and descriptions of false marks provided in the former.  
\* \*\*Importance of Due Diligence:\*\* The available defence emphasizes the importance of conducting due diligence and implementing procedures to verify the authenticity of markings on goods and their packaging. Businesses involved in the trade of goods must take reasonable steps to ensure the accuracy of the information presented on their products.  
  
  
\*\*Conclusion:\*\*  
  
Section 488 of the IPC complements Section 487 by penalizing the \*use\* of goods bearing false marks. By criminalizing the selling, exposing for sale, or possession for trade or manufacture of such goods, it prevents the circulation of misrepresented products in the market and protects consumers from being deceived. The section's emphasis on knowledge and the availability of a defence based on reasonable precautions ensures a balanced approach, targeting those knowingly engaging in deceptive practices while allowing for situations where individuals acted innocently or took appropriate preventative measures. This provision strengthens consumer protection laws and contributes to a more honest and transparent marketplace. It supports fair competition and ensures that consumers can make informed purchasing decisions based on accurate information about the products they buy.