Ram Narain vs State Of Rajasthan on 31 January, 1973

Equivalent citations: AIR1973SC1188, 1973CRILJ914, (1973)3SCC805, [1973]3SCR463, 1973(5)UJ598(SC), 1973()WLN98, AIR 1973 SUPREME COURT 1188, 1973 3 SCR 463, 1973 SCC(CRI) 545, (1973) 3 SCC 805, 1973 SCD 288

Author: A. Alagiriswami

Bench: A. Alagiriswami

JUDGMENT

I.D. Dua, J.

1. In this appeal by special leave from the judgment of the Rajasthan High Court Ram Narain, appellant, challenges his conviction for the offences under Sections 462 and 120B, I.P.C. He, along with three others, had been committed for trial in the court of Sessions Judge, Kota on ten charges for offences under Sections 467, 468, 420 and 120B, I.P.C. It is not necessary to reproduce all the charges and it would suffice if we set out the charges under Sections 467 and 120B, I.P.C., because by the impugned judgment of the High Court the appellant's conviction was sustained only on charges under these two sections. Those charges are :

> 1. That you between the months of November, 1959. to January, 1960, at your house at Dadvada entered into a conspiracy with Sarvashri Madan Mohan, Badriprasad and Bakshi Gajpatsingh and others, to commit offences of forgery using forged documents as genuine and of cheating the public, Municipal Board and the Government in respect of the sale of some pieces of land belonging earlier to the Gram Panchayat Khandgawari in favour of Moolsingh, Mukatbeharilal and Surajsingh and that you did some act to wit forged the proceedings of the Pattas in favour of the above said persons and the signatures and the thumb impressions of the Panchas of the defunct Gram Panchayat and made false entries in the Cash Book of the said Panchayat of the year 1957-58 at pages 42 and 45 and affixed the seal of that Gram Panchayat and put your signatures on the Pattas so forged, all in the capacity of the Surpanch of that Gram Panchayat besides agreement to commit the offences under Sections 457, 468 and 420, of the I.P.C. punishable with rigorous imprisonment for over two years and thereby committed an offence punishable under Section 120B of the I.P.C. and within my cognizance.

(2) That during the same period, you forged Patta proceedings in antedates in respect of the sale of land 30'*35' belonging earlier to the defunct Gram Panchayat Kandgaohri in favour of Shri

Surajsingh and put your own signatures on the forged document purporting to be valuable security to wit, the patta in favour of Surajsingh and gave it to Shri Surajsingh and that you thereby committed an offence punishable under Section 467, of the I.P.C. and within my cognizance.

.. ..

(5) That during the same period, you forged patta proceedings in antedates in respect of the sale of land 50'X50' belonging earlier to the defunct Gram Panchayat Khandgaonri in favour of Mukat Behari and put your signatures on the forged document purporting to be a valuable security to wit the patta in favour of Mukat Beharilal and gave it to Shri Mukat Behari and that you thereby committed an offence punishable under Section 467 of the Indian Penal Code and within my cognizance.

.. ..

(8) That during the same period you forged patta proceedings in antedates in respect of the sale of land 30'X30' belonging earlier to the defunct Gram Panchayat Khandgaonri, in favour of Shri Moolsingh and put your own signatures on the forged document purporting to be valuable security to with the patta in favour of Shri Moolsingh and gave it to Shri Moolsingh and that you thereby committed an offence punishable under Section 467 of the I.P.C. and within my cognizance.

2. Village Khand Gawadi had before October, 1958 a panchayat of which Gangaram (P.W. 3) was the Sarpanch and the appellant its Up-Sarpanch. In the months of April and May, 1958 the appellant officiated for the Sarpanch because the latter (Gangaram) was busy in connection with his daughter's marriage. By means of a gazette notification (No. 11288/F.1(a) 48L 59/A/55 dated 16-10-58) the Rajasthan Government extended the limits of the municipal council, Kota, amongst other villages, to Khand Gawadi also. The Municipal Council took over charge from the Gram Panchayat of this village on January 7, 1959. According to the prosecution version during the months of November, 1959 to January, 1960, long after the village panchayat had ceased to exist, the appellant entered into a conspiracy with the other accused persons (tried along with him in the sessions court) and Bhanwarlal son of Bapulal (who became an approver and appeared as P.W. 1 in the case) to cheat the members of the public, the Municipal Council, Kota and the Government. The modus operandi for carrying out the object of this conspiracy was to persuade such members of the public as were amenable to their persuasion to part with money for purchasing residential plots in village Khand Gawadi; and in furtherance of this conspiracy they forged sale proceedings and pattas by antedating them and forging signatures of the other Panchas on such pattas and sale proceedings. The appellant himself affixed his signatures as Sarpanch and put the seal of the village Panchayat on the forged documents. The trial, as is obvious, from the charges reproduced above, was confined to the sale proceedings and pattas in the names of Mool Singh, Mukat Beharilal and Suraj Singh. Bhanwarlal (P.W. 1), who was also stated to have been a party to this conspiracy was granted pardon and having become an approver appeared as a witness in support of the prosecution. The Sessions Judge, after considering the prosecution evidence and the evidence of the defence witnesses, produced by the appellant, upheld the prosecution case against the appellant holding that he and the approver, Bhanwarlal, had joined hands in forging the sale proceedings and

pattas mentioned in the charges and also in forging thereon the signatures of the other Panchas. In fact, according to the trial court, it was the appellant who had dragged Bhanwarlal into the conspiracy and their activities were motivated by a desire to cheat the Municipal Council, Kota, the members of the public and the Government of Rajasthan by making them part with possession of their valuable land in village Khand Gawadi for nominal price. On this finding the offence of conspiracy under Section 120B was held proved against the appellant. He was also held guilty of the offence under Section 467, I.P.C. Charges under the other sections were held not proved. The appellant was accordingly sentenced to rigorous imprisonment for three years and a fine of Rs. 200 under Section 120B and to rigorous imprisonment for two years and a fine of Rs. 200 under Section 467, I.P.C. In default of payment of fine the appellant was directed to undergo six months' further rigorous imprisonment in each case. Both the substantive sentences were directed to be concurrent. The other accused persons Bakshi Gajpat Singh, Madan Mohan and Badri Prasad were acquitted.

3. On appeal the High Court affirmed the appellant's conviction on both these counts but reduced his sentence to rigorous imprisonment for 15 months and a fine of Rs. 200/- on each count. The sentences of imprisonment were directed to be concurrent. In default of payment of fine the appellant was directed to undergo further rigorous imprisonment for three months on each count.

4. In this Court Shri Nuruddin Ahmad, the learned Counsel for the appellant at the outset pointed out that in the High Court an application had been made on behalf of the appellant on April 7, 1970 to recall Gangaram (P.W. 1) for cross-examining him and also for examining Mukat Beharilal and M. L. Parekh Deputy Superintendent of Police in charge, as court witnesses, but although arguments were addressed on that application at some length the High Court did not care to deal with the matter or even to refer to it in its judgment. In this connection our attention was drawn to Annexure D to the petition for special leave in this Court. Annexure D is said to be a copy of the application filed in the High Court by Shri V.S. Dave, Advocate for the appellant, under Section 540, Cr. P.C. The material part of Annexure D reads :

> 1. That in the above noted appeal prosecution examined Ganga Ram P.W. 3 as a witness.
>
> 2. That Gangaram besides the present complaint Ex. P-19 also lodged a complaint against appellant for offence under Sections 409, 477, I.P.C. and the accused appellant has been acquitted in the said case.
>
> 3. That the judgment in case under Sections 409 and 477, I.P.C. was delivered subsequent to the examination of Gangaram as P.W. 3 and as such he could not be cross-examined in respect of his earlier complaints and fact of enmity and false concentration of cases "against the appellant could not be put to him.
>
> 4. That appellant has also been convicted for forging the patta alleged to have been given to Mukat Beharilal.
>
> 5. That Mukat Behari Lal has been withheld by the prosecution.

6. That the appellant has learnt that Mukat Behari Lal filed a writ petition in this Hon'ble Court in respect of the said patta and same is said to have been decided in his favour.

7. That since the subject matter of patta of Mukat Behari Lal has been adjudicated upon by this Hon'ble Court his examination in this Hon'ble Court as a witness is essential to the just decision of this case and as also the production of judgment will have important bearing in the case.

8. That the Deputy S. P. who conducted the investigation of this case has also not been produced and same has caused great prejudice to the case of the appellant as the appellant could not bring on record as to from whose custody the documents Ex. P-5, P-6, P-9 and P-12 and Ex. P-l has been recovered.

9. That the examination of aforesaid three witnesses is essential to the just decision of the case.

It is, therefore, prayed that your lordships would be pleased to accept this application recall Gangaram P.W. 3 for further cross-examination and also call Mukat Behari Lal and the Investigating Officer as Court witnesses or grant permission to appellant to summon them.

Our attention was also invited to Annexures E and F to the Special Leave Petition. Annexure E is a certified copy of a slip of the Court Reader in single Bench Cr. A. No. 283 of 67, Ramnarain v. State in the High Court of Judicature for Rajasthan at Jodhpur. That slip reads :

This application was found lying in the Chamber of Hon'ble Gattani J. How this application was placed and who placed this application there.

B.C. Sd/- Bansidhar Reader 27-4-70 Annexure F a certified copy of the order dated April 29, 1970 of Deputy Registrar of the High Court in the said Criminal Appeal, which was also brought to our notice, reads :

The application has been shown to Hon'ble Gattani J. and according to the direction of his Lordship the application be kept on the file.

Sd/- G.K. Sharma Dy. Registrar On April 30, 1970 an application was presented on behalf of the appellant in the High Court under Section 561-A, Cr. P.C. This application, according to the appellant, was filed on May 1, 1970 but it was neither listed nor heard in court. The following order dated May 18, 1970 (as translated into English) was recorded by the learned Judge in Hindi:-

Perused the applications dated 7-4-70 and 30-4-70 presented on behalf of the appellant.

I have decided the case on 17-4-70 and there is therefore no question of saying anything on the merits now. As far as I remember Shri Chiranjilal Agarwal did mention during the course of the arguments on 7-4-70 that he wanted to present an application. Then I had told him that if the application is presented it will also be taken into consideration. Thereafter during the course of the arguments no application was presented before me.

I never saw the application dated 7-4-70 in my Chamber, nor anyone said anything to me on 29-4-70 about this application.

Sd/- H.D. GATTANI J.

5. The appellant's grievance before us is that non-consideration of his application dated April 7, 1970 has resulted in grave miscarriage of justice. Developing this point it has been contended that the manner in which this part of the case was dealt with suggests non-application of judicial mind by the High Court to the case as a whole.

6. The second point strongly pressed by Shri Nuruddin Ahmed is that the appellant's conviction is based solely on the testimony of Banwari Lal (P.W. 1), the approver, whose evidence has not been corroborated in material particulars, connecting the appellant with the alleged offence in question. The appellant's conviction is, therefore, unsustainable. P.W. 1, according to the appellant's submission, is a wholly unreliable witness and his evidence is so seriously discrepant and unconvincing on vital points that it is highly dangerous to place any reliance on it. The sustenance of the appellant's conviction on the approver's evidence in this case would be a travesty of justice, said the counsel. We were taken through the relevant record of the evidence by the counsel for both sides on this part of the case.

7. Now so far as the first grievance is concerned, the appellant's submission cannot be summarily brushed aside as we feel there is prima facie material calling for a further probe into the matter. But as in our view even if the first contention were to prevail the question of recording additional evidence, as requested on behalf of the appellant, would have to be considered and since, in our opinion, the appeal has to be allowed on the second point, we deem it unnecessary to express any considered opinion on the first point. We would, however, like to point out that the application under Section 561-A, Cr. P.C. should have been disposed of after hearing the appellant's counsel and its disposal without such hearing was clearly wrong and unjust. The appellant has a just grievance against the manner in which this application was disposed of. He had a right to be afforded a reasonable opportunity of being heard in support of his application and we are unable to appreciate the disposal of this application in the chambers without giving him such opportunity. The counsel for the State was also unable to explain the divergence between the order of the Deputy Registrar dated April 29, 1970 and the learned Judge's observation in his order dated May 18, 1970 that no one had said anything to him on April 29, 1970 about the application dated, April 7, 1970. This divergence has also left on our minds a somewhat unhappy impression with respect to the whole matter. We need say nothing more on this point.

8. Turning to the second point we may first state the legal position relating to the testimony of an approver. Section 133, Indian Evidence Act, which falls in Ch. IX dealing generally with witnesses, expressly provides that an accomplice is a competent witness and the conviction is not illegal merely because it proceeds on uncorroborated testimony of an accomplice. In other words, this section renders admissible such uncorroborated testimony. But this section has to be read along with illustration (b) to Section 114 which falls in Ch. VII, dealing with Burden of Proof. Section 114 empowers the court to presume the existence of certain facts and the illustrations elucidate what the court may presume and make clear by means of examples as to what facts the court shall have regard in considering whether or not the maxims illustrated apply to a given case before it. Illustration (b) in express terms says that an accomplice is unworthy of credit unless, he is corroborated in material particulars : two examples are also given to further explain this subject. The statute thus permits the conviction of an accused person on the basis of uncorroborated testimony of an accomplice but the rule of prudence embodied in illustration (b) of Section 114 strikes a note of warning cautioning the court that an accomplice does not generally deserve to be believed unless corroborated in material particulars. This rule of caution is traceable to the fact that an accomplice witness from the very nature of his position is a suspect. This rule is guided by long human experience and has become a rule of prudence of general application. The courts, therefore, consider it prudent to look for corroboration in material particulars for sustaining the conviction of an accused person. An approver who is admittedly guilty of the crime is an accomplice who has betrayed his associates and has apparently sought pardon for saving his own skin. In other words he has purchased complete immunity for his prosecution at the expense of his associated by agreeing to give evidence against them for the prosecution. He is, therefore, presumed not to be a man of high character or a fair witness. His pardon being conditional, to pleased the prosecution he may well weave some false detail into the true details of the prosecution story and may also falsely involve some innocent person. There is thus a real danger of his telling a story true in general outline but containing some untruth which he can easily work into the story. It is for this reason that the courts as a matter of prudence and caution anxiously look for some corroboration to satisfy their conscience that the approver's testimony which is clearly admissible is also worthy of belief. One can of course visualise an accomplice who is genuinely repentant for the commission of his crime and truly desires to make a clean breast of the whole affair by way of penetance. But even in such cases the court has to judicially determine the extent to which his uncorroborated testimony can be considered as trustworthy by looking to the other relevant material and the attending circumstances on the basis of which the accused can be safely convicted. The rule which seems to emerge from the foregoing discussion and judicial decisions is that the necessity of corroboration as a matter of prudence except when it is safe to dispense with such corroboration must be clearly present to the mind of the judge.

9. It is in this background that the court is required to determine the nature and extent of corroboration of an approver's evidence necessary in a given case for sustaining the conviction of the accused. The corroborating evidence, broadly stated, must connect or tend to connect the accused with the crime charged. This is so because of the danger of the approver introducing some innocent person or persons into an otherwise true prosecution story. Such evidence, however, need not by itself be sufficient for sustaining the conviction of the accused for in that case the evidence of the approver would be wholly unnecessary and mere surplusage.

10. Before considering the evidence on the record it may be borne in mind that the court should evaluate the evidence of an approver de hors the corroborating pieces of evidence for if his testimony is itself uninspiring and unacceptable justifying its rejection outright, then, it would be futile and wholly unnecessary to look for corroborating evidence. It is only when the approver's evidence is considered otherwise acceptable that the court applies its mind to the rule that his testimony needs corroboration in material particulars connecting or tending to connect each one of the accused with the crime charged. The offences for which the appellant has been convicted, it may be recalled, are of conspiracy with the approver (P.W. 1) as contemplated by Section 120-B, I.P.C., and forgery of valuable security as contemplated by Section 467, I.P.C. Before us the counsel for the State clearly confined his contention to the forgery of valuable security as the real gravamen of the charge against the appellant, of course, in addition to the charge of conspiracy. We have, therefore, to consider the evidence bearing in mind the ingredients of these two offences.

11. So far as the charge under Section 120-B, I.P.C. is concerned the only evidence is of the approver and the trial court expressly observed that there was no other direct evidence of conspiracy. After considering the case with respect to the offence under Section 467,I.P.C. we will turn to the charge of the substantive offence of conspiracy.

12. Before dealing with the evidence on the offence under Section 467 it may be recalled that the present case was initiated at the instance of Ganga Ram, ex-Sarpanch, (P.W. 3) and some others when they presented a complaint (Ex. P-19) on March 18, 1961 to the Collector, Kota, long after the charge of the Panchayat had been taken over by the Municipal Council. Ganga Ram appears also to have earlier made some complaints to the other officers but as nothing had come out of those complaints the Collector was approached with an allegation of misappropriation against Ram Narain in March, 1961. The Municipal Council, it is noteworthy, did not care to initiate the prosecution.

13. Bhanwar Lal, the approver, appearing as P.W. 1 has deposed that in June, 1958 he wanted to buy a plot of land for building his own house at Kota where he had been transferred from Udaipur as Train Clerk, Kota Junction. He was introduced to the appellant through one Kanhaiyalal. He gave to the appellant an application for that purpose and also paid Rs. 40/- towards the price of the land and the appellant gave him a patta for a piece of land measuring 30'*45' without showing him its exact location. Inspite of repeated requests the appellant did not show him the plot on certain pretexts for about four or five months. And then he showed him a plot measuring only 30'*35'. On objection being raised the appellant promised to give to P.W. 1 some more land elsewhere. It appears that the approver and the appellant had by then become quite intimate. The approver gave to the appellant a contract for filling up the foundation for a house and also paid him about Rs. 8 or 9 hundred for which he took no receipt. The approver also started teaching the appellant's children as a private tutor without charging anything. It was due to this intimacy that the appellant is said to have asked the approver to help him in completing the proceedings of some incomplete patta cases of the Gram Panchayat. Bhanwar Lal, approver, who ultimately agreed to do this work went to the appellant's house where he found one Mehta, Secretary of the Mandi Committee, Madan Mohan Vijay and Badri Prasad. The appellant introduced the approver to Mehta and Madan Mohan and asked them to complete the Panchayat records according to his directions. According to the

approver he had prepared about 200 pattas and order sheets in about eight or ten days' time. It is unnecessary to go into the remaining evidence of the approver at this stage. Suffice it to say that from his evidence it is not at all clear as to what interest the approver had in helping the appellant in what is described as the forgery of the various documents. His evidence, therefore, seems, prima facie, to be unimpressive and hardly trustworthy. The charge under Section 467, as already observed, is confined to four pattas issued in favour of Suraj Singh, Mool Singh and Mukat Behari. Two pattas issued in favour of Suraj Singh are Exs. P5 and P6 and one patta each in favour of Mool Singh and Mukat Behari are Exs. P 9 and P respectively. Before taking up these instances and scrutinising this evidence we may point out that there is no evidence worth the name and no argument was urged before us to attempt to show that in the case of the patta in question either the consideration received was less than the market value or the amount realised had been misappropriated and not duly deposited and credited in the appropriate account. There is thus no question of unlawful gain or loss by cheating anybody. Now Section 467 provides for punishment for forging a document which purports to be a valuable security or a will etc. We are concerned with the offence of forging a valuable security. Forgery is defined in Section 463, I.P.C. according to which whoever makes a false document or part of a document with intent to cause damage or injury to the public or to any person or to support any claim or title or to cause any person to part with property or to enter into any express or implied contract or with intent to commit fraud or that fraud may be committed, commits forgery. Section 30, I.P.C., defines "valuable security" to be a document which purports to be a document whereby any legal right is created, extended, transferred, restricted, extinguished or released or whereby any person acknowledges that he lies under legal liability or has not a certain legal right. We are, therefore, concerned only with forgery of valuable security. The fact that the pattas were granted in favour of the three persons mentioned above irregularly or contrary to any rules or directions applicable to such pattas would be wholly immaterial except to the extent it supports the case of forgery against the appellant.

14. In so far as the case of Suraj Singh is concerned there are two pattas Exs. P 5 and P 6, both dated May 5, 1958. The two plots measuring about 100 sq. yds. each were allotted to Suraj Singh for a consideration of Rs. 37.50/- each with an additional sum of Rs. 2/-each as plan fee. The consideration money has been described in these pattas to be "Bhaint". It is expressly recited in these pattas that the requisite fee of Rs. 30.50/- has been deposited vide Rokarpanna. These pattas are signed by the appellant and clearly there can be no question of forging, anybody's signatures, so far as these two documents are concerned. Exhibit P-4 is the order sheet with respect to Suraj Singh. According to the approver he, the appellant and Badri Prasad, had fabricated the signatures of Ghasi and Babulal and the thumb impression of Panch Bhanwarlal (P.W. 8) on Ex. P-4. Except for the approver's bald statement there is no other evidence in support of this assertion. Babulal who was produced as P.W. 5 expressed his inability to say either way whether Ex. P-4 bore his signatures. He is illiterate and, according to his own evidence, can only put his signatures which also he is unable to identify. Ghasi was not produced by the prosecution. He was, however, produced in defence as D.W. 2 for admitting his signatures on Ex. P-11, the order sheet relating to Mukat Behari's case. But when he appeared as a defence witness neither the prosecution nor the defence asked him any questions with respect to Ex. P-4. The omission on the part of the prosecution to question him about Ex. P-4 in the absence of any cogent explanation is, in our opinion, quite significant. Some evidence has been led with respect to entries in Ex. P-l, the cash book of the Gram Panchayat but since the charges we

are concerned with are under Sections 467, and 120B, I.P.C. it is unnecessary, as indeed, irrelevant, to refer to that evidence. Before us the counsel for the State expressly confined his case to the forgery of the paitas which, according to him, constitute valuable security within the contemplation of Section 467. With respect to Suraj Singh, therefore, we do not have any reliable evidence which can be said to corroborate the approver, assuming the approver's evidence to be acceptable which we are not inclined to hold.

15. We now turn to Mool Singh's patta Ex. P-9. This patta relates to an area measuring 100 sq. yds. and the consideration is stated to be Rs. 30/- with an additional sum of Rs. 2/- as plan fee. Here again, the consideration is described as "Bhaint". Exhibit P-9 also contains an assertion that the requisite amount of Rs. 32/- had been deposited vide Rokarpana. This patta is also signed by Ram Narain and there is no question of forging any one else's signatures. The order sheet relating to this patta is Ex. P-8 which is signed by the appellant and also purports to be signed by Onkar and Ghasi. The position of this patta is no better than that of Ex. P-5 which is in favour of Suraj Singh.

16. Mukat Behari's patta is Ex. P-l2 and is for an area measuring 227 sq. yds. and 7 sq. ft. The consideration is stated to be Rs. 100/-, inclusive of Rs. 2/- as plan fee. Here also the amount is stated to have been deposited as per Rokarpana and the receipt is signed by one M.B. Sharma. The order sheet relating to this patta is Ex. P-11 which purports to bear the signatures of Ghasi and Madan Lal, Ghasi (D.W. 2) has deposed about his signatures on Ex. P-11, as already noticed. Mukat Behari's case, if anything, becomes more doubtful because of the evidence of Ghasi.

17. Suraj Singh was produced as P.W. 2 but he did not support the prosecution and was allowed to be cross-examined by the public prosecutor. Quite clearly his evidence does not show that he was in any way cheated by the appellant Shri Ganga Ram, the original complainant, has appeared as P.W. 3. According to him he had taken over charge from the appellant on August 31, 1958 and continued to work as Sarpanch till the charge was handed over to the Municipal Council or the Municipal Board. When he want to the office of the Municipal Board to hand over charge, according to his own statement, the appellant had also gone with him. It was after the abolition of the Panchayat that he learnt that the appellant was selling land and issuing pattos and it was then that he made the complaint Ex. P-19. Before handing over charge also he had made certain complaints against the appellant on which Shri Mehta, the Division Panchayat Officer had made enquiries but those complaints were not substantiated. From his evidence it seems clear that the relations between him and the appellant were far from cordial. Indeed, the appellant had also complained against this witness of keeping some money belonging to the Panchayat. Even otherwise his evidence is wholly unimpressive and is difficult to accept on its face value.

18. Again, when we consider the evidence of Madan Lal (D.W. 1) and Ghasi son of Ramlal (D.W. 2) both Panchas of the Panchayat in question upto 1958 and the evidence of Ganesh Ram (P.W. 4) the evidence of the approver becomes still more unacceptable. Madan Lal has stated that he was a Panch of Khand Gawari Panchayat upto 1959 and a piece of land was sold to Mukat Behari in 1958 when he was present in the meeting of the Panchayat. Signatures on Ex. P-ll were identified by him. The Panchayat also sold pieces of land to Mool Singh and Suraj Singh. On his evidence Ex. P-ll is clearly a genuine document. Ghasi (D.W. 2) also admits his signatures on Ex. P-ll. In face of his

evidence it is not understood how his signatures can be held to be forged. Ganga Ram (P.W. 4) has deposed that he was not literate and could only sign his name. After so deposing he expressly stated that he was unable to identify his own signatures. His evidence, therefore, also losses its importance. In face of this material we find that the appellant's conviction under Section 467, I.P.C. is wholly unsustainable on the existing evidence. The approver's testimony is most uninspiring and there is no corroboration worth the name.

19. We now turn to the charge of criminal conspiracy under Section 120-B, I.P.C. as a separate and distinct offence independent of the offence under Section 467, I.P.C. No doubt in almost every case of conspiracy it is generally a matter of inference, direct independent evidence being seldom, if ever, forthcoming. But inferences are normally deduced from acts of parties in pursuance of apparent criminal purpose in common between them. Of such criminal acts the evidence in the case under appeal has not been accepted by us. The evidence of the approver (P.W. 1) who would of course be competent to prove the substantive charge of conspiracy, which has not been believed by us with respect to forgery is not easy to accept with respect to the charge of conspiracy. His version with regard to it is far from convincing. Though he claims to have prepared 200 pottos and order sheets, evidence regarding only four was led and that too not trustworthy. For the first time he disclosed the story to the police after arrest in expectation of help from them. On his evidence uncorroborated as it is, the charge of conspiracy as framed cannot be sustained. We have, therefore, no option but to allow this appeal, quash the appellant's conviction and acquit him.