

be convicted under [section 201](#) read with [section 149, IPC, 1860](#).<sup>183</sup>. Where the accused cremated the dead body of his wife who had committed suicide without informing the police, the accused was held liable under section 201 in spite of he being acquitted under sections 304-B and 498-A.<sup>184</sup>.

1. *S Palani Velayutham v District Collector Tirunvelveli TN*, (2010) 1 SCC (Cr) 401 : (2009) 10 SCC 664 [LNIND 2009 SC 1659] : (2009) 12 SCR 1215 [LNIND 2009 SC 1659] .

132. Subs. by Act 26 of 1955, section 117 and Sch., for "transportation for life" (w.e.f. 1-1-1956).

133. *Kalawati*, (1953) SCR 546 [LNIND 1953 SC 5] , at p 557. **Followed** in *VL Tresa v State of Kerala*, AIR 2001 SC 953 [LNIND 2001 SC 364] , wife of the deceased concealing the real circumstances of death. *Ram Singh v State of HP*, 1997 Cr LJ 1829 : 1997 SCC (Cr) 729, for notes see under section 120-B.

134. *Nebti Mandal*, (1939) 19 Pat 369.

135. *Public Prosecutor v Venkatamma*, (1932) 56 Mad 63.

136. *Bakhora Chowdhary v State of Bihar*, 1991 Cr LJ 91 (Pat). A father-in-law convicted for lodging report of suicide of his daughter-in-law when he knew it was murder. *Brij Kishore v State of UP*, 1989 Cr LJ 616 (All).

137. *Asar Mohammad v State of UP*, AIR 2018 SC 5264 .

138. *Deepak v State of Maharashtra*, (1995) 2 Cr LJ 2219 (Bom).

139. *Markose*, (1962) 1 Cr LJ 610 .

140. *Rathinam v State of TN*, (2011) 3 SCC (Cr) 111 : (2011) 11 SCC 140 [LNIND 2009 SC 1873] : 2010 (11) Scale 6 [LNINDORD 2009 SC 542]

141. *Palvinder Kaur*, (1953) SCR 94 [LNIND 1952 SC 54] : 1953 Cr LJ 154 : AIR 1952 SC 354 [LNIND 1952 SC 54] . See *Bhupendra Singh v State of UP*, AIR 1991 SC 1083 [LNIND 1991 SC 151] : 1991 Cr LJ 1337 : 1991 All LJ 379 : (1991) 2 SCC 750 [LNIND 1991 SC 151] . See also *State of UP v Kapil Deo*, AIR 1991 SC 2257 [LNIND 1991 SC 397] : 1991 Cr LJ 3321 : 1991 Supp (2) SCC 170 ; *Suleman Rahiman v State of Maharashtra*, AIR 1968 SC 829 [LNIND 1967 SC 354] : 1968 Cr LJ 1013 ; *Roshan Lal v State of Punjab*, AIR 1965 SC 1413 [LNIND 1964 SC 339] : 1965 (2) Cr LJ 426 ; *Batapa Bada Seth v State of Orissa*, 1987 Cr LJ 1976 (Ori); *Sardar Singh v State (Delhi Admn.)*, AIR 1993 SC 1696 [LNIND 1993 SC 153] : 1993 Cr LJ 1489 : 1993 Supp (2) SCC 393 . *Ram Saran Mahto v State of Bihar*, 1999 Cr LJ 4311 : AIR 1999 SC 3435 [LNIND 1999 SC 782] ; *Gati Bahera v State of Orissa*, 1997 Cr LJ 4331 (Ori).

142. *Basanti v State of HP*, AIR 1987 SC 1572 : 1987 Cr LJ 1869 : (1987) 3 SCC 227 . For other examples of acquittals under benefit of doubt, see *Kedar Nath v State of UP*, AIR 1991 SC 1224 : 1991 Cr LJ 989 ; *Kishore Chand v State of HP*, AIR 1990 SC 2140 [LNIND 1990 SC 468] : 1990 Cr LJ 2289 . *Sudhir Mondal v State of WB*, 1988 Cr LJ 569 (Cal); *State of Rajasthan v Kamla*, AIR 1991 SC 967 : 1991 Cr LJ 602 .

143. *Dinesh Kumar Kalidas Patel v State of Gujarat*, AIR 2018 SC 951 .

144. *Suresh v State of Karnataka*, 2002 Cr LJ 3273 (Kant).

145. *K Purnachandra Rao*, 1975 Cr LJ 1671 : AIR 1975 SC 1925 [LNIND 1975 SC 316] . *Sukhram v State of Maharashtra*, (2007) 7 SCC 502 [LNIND 2007 SC 969] : AIR 2007 SC 3050 [LNIND 2007 SC 969] , the Supreme Court restated the ingredients of the offence.

146. *Abdul Kadir v State*, (1880) 3 All 279 (FB).
147. *Matuki Misser*, (1885) 11 Cal 619 . *Hanuman v State of Rajasthan*, AIR 1994 SC 1307 [LNIND 1993 SC 992] : (1994) 2 Cr LJ 2092 : 1994 Supp (2) SCC 39 , where it was not proved that the dead body in question was that of the victim of murder or that the accused persons were themselves the assailants or knew the assailants, the Supreme Court held that it was not safe to convict them only on the ground that they performed the ceremonies for cremation of the body and took part in cremation. *Arbind Singh v State of Bihar*, AIR 1994 SC 1068 : 1994 Cr LJ 1227 (SC), another case where the participants in a cremation were acquitted because they had no knowledge or reason to believe that the death was homicidal.
148. *Dinesh Kumar Kalidas Patel v State of Gujarat*, AIR 2018 SC 951 .
149. *Samir Bhowmik v State of Tripura*, 200 Cr LJ 3018 (Gau).
150. *Vijaya v State of Maharashtra*, (2003) 8 SCC 296 [LNIND 2003 SC 739] : AIR 2003 SC 3787 [LNIND 2003 SC 739] .
151. *Ghuraiyaa v State of MP*, 1990 Cr LJ 1129 . *Naba Kumar Das v State of Assam*, 2002 Cr LJ 1950 (Gau).
152. *Dinesh Kumar Kalidas Patel v State of Gujarat*, AIR 2018 SC 951 .
153. *Jamnadas*, (1963) 1 Cr LJ 433 ; *Dr. Ravindra Kumar v State of Bihar*, 1991 Cr LJ 3052 (Pat).
154. *Prakash Dhawal Khairnar v State of Maharashtra*, AIR 2002 SC 340 [LNIND 2001 SC 2841] at 348.
155. *Bhanu Pratap Tewari v State of UP*, 2002 Cr LJ 1243 (All).
156. *Vithal Thukaram More v State of Maharashtra*, AIR 2002 SC 2715 [LNIND 2002 SC 449] ; *Hargovindas Devrajibhai Patel v State of Gujarat*, 1998 Cr LJ 662 : AIR 1998 SC 370 [LNIND 1997 SC 1443] . In *Rabin Mallick v State of West Bengal*, 2011 Cr LJ 3801 (Cal) the body of the deceased boy was concealed in a place in the exclusive knowledge of accused. Conviction was held proper but in *Udaimanik Jamatia v The State of Tripura*, 2011 Cr LJ 4167 (Gau) accused was acquitted though there was recovery of skeleton at the instance of accused.
157. *Sidhartha Vashisht v State (NCT of Delhi)*, AIR 2010 SC 2352 [LNIND 2010 SC 367] : (2010) 2 SCC (Cr) 1385.
158. *Channaraja v State of Karnataka*, 2012 Cr LJ 159 (Kar) *Sk Waheed v State of Bihar*, 2010 Cr LJ 1870 (Pat).
159. *Diwan Singh v State of Uttaranchal*, 2012 Cr LJ 3256 (Utt) But in *Ramakanta Patel v State of Orissa*, 2011 Cr LJ 600 (Ori). See also *Netrananda Naik v State of Orissa*, 2011 Cr LJ 813 (Ori).
160. *Mulakh Raj v Satish Kumar*, AIR 1992 SC 1175 [LNIND 1992 SC 322] : 1992 Cr LJ 1529 . *Turuku Budha Karkaria v State of Orissa*, 1994 Cr LJ 552 (Ori), killing a woman, removing her ornaments, concealing her body in a bush in deep forest, killers guilty under the section, sentenced under section 302.
161. *Goburdhun Bera*, (1866) 6 WR (Cr) 80.
162. *Autar*, (1924) 47 All 306 ; *Begu*, (1925) 52 IA 191 , 6 Lah 226, 27 Bom LR 707, **followed** in *Mata Din v State*, (1929) 5 Luck 255 . *Raveendran v State of Kerala*, 1994 Cr LJ 3562 (Ker), the accused offered a helping hand to the main accused in disposing of the dead body, conviction under section 201.
163. *Public Prosecutor v Munisami*, (1941) Mad 503.
164. *Vinod Bhalla v State of MP*, 1992 Cr LJ 3527 (MP). See also *Sankarapandian v State of TN*, 1992 Cr LJ 3662 (Mad); *Budhan Singh v State of Bihar*, 2006 Cr LJ 2451 SC : AIR 2006 SC 1959 [LNIND 2006 SC 300] .
165. *Bhagwan Singh v State of Punjab*, AIR 1992 SC 1689 [LNIND 1992 SC 396] : 1992 Cr LJ 3144 .

166. *Sarojini v State of MP*, 1993 AIR SCW 817 : [1993 Cr LJ 1648](#) (SC). See also *Bhuneshwar Pd Chaurasia v Bhuneshwar Chaurasia*, [2001 Cr LJ 3541](#) (Pat), a married woman died of poisoning, she was cremated hurriedly during the same night without informing police or her relatives. Those who participated in the activity were held guilty under the section; *Shambir Gowada v State of WB*, [2000 Cr LJ 1602](#) (Cal); *SK Usman v State of Maharashtra*, [2000 Cr LJ 3301](#) (Bom).
167. *VL Tresa v State of Kerala*, [AIR 2001 SC 953](#) [[LNIND 2001 SC 364](#)] .
168. *Damodar v State of Karnataka*, [AIR 2000 SC 50](#) [[LNIND 1999 SC 884](#)] : [2000 Cr LJ 175](#) .
169. *State of West Bengal v Rakesh Singh*, (2016)1 CALLT 178 (HC) : [2015 Cr LJ 3847](#) .
170. *KK Patnayak (Dr) v State of MP*, [1999 Cr LJ 4911](#) (MP).
171. *Sri Jayendra Saraswathy Swamigal v State of TN*, [AIR 2006 SC 6](#) [[LNIND 2005 SC 815](#)] : (2005) 8 SCC 771 [[LNIND 2005 SC 815](#)] : [2005 Cr LJ 4626](#) .
172. *State of Maharashtra v Devahari Devasingh Pawar*, [AIR 2008 SC 1375](#) [[LNIND 2008 SC 103](#)] : (2008) 2 SCC 540 [[LNIND 2008 SC 103](#)] : 2008 AIR (SCW) 815 : [2008 Cr LJ 1593](#) .
173. *Palvinder Kaur v State of Punjab*, [AIR 1952 SC 354](#) [[LNIND 1952 SC 54](#)] .
174. *State of Karnataka v Madesha*, (2007) 7 SCC 35 [[LNIND 2007 SC 918](#)] : [AIR 2007 SC 2917](#) [[LNIND 2007 SC 921](#)] ; *Sukhram v State of Maharashtra*, (2007) 7 SCC 502 [[LNIND 2007 SC 969](#)] : [AIR 2007 SC 3050](#) [[LNIND 2007 SC 969](#)] , conviction under section 201 possible despite acquittal from the main offence.
175. *Suman Rajowar v State of Assam*, [2011 Cr LJ 2984](#) (Gau).
176. *Keshave Kishore Sinha v State of Bihar*, 2013 Cr LJ (NOC)7 (Pat).
177. *Om Prakash*, [1961 \(2\) Cr LJ 848](#) : [AIR 1961 SC 1782](#) [[LNIND 1961 SC 201](#)] .
178. *Abhayanand*, [1961 \(2\) Cr LJ 822](#) .
179. *State of UP v Mahendra Singh*, [1975 Cr LJ 425](#) : [AIR 1975 SC 455](#) [[LNIND 1974 SC 320](#)] .
180. *Re Sumitra Sherpani*, [1975 Cr LJ 169](#) (Gau), See also *Mazahar Ali*, [1976 Cr LJ 1629](#) (J&K).
181. *Chandrapal Singh*, [1982 Cr LJ 1731](#) : [AIR 1982 SC 1238](#) : (1982) 1 SCC 466 .
182. *Bhagaban Kirshani*, [1985 Cr LJ 868](#) (Ori).
183. *Ram Avtar*, [1985 Cr LJ 1865](#) (SC) : [AIR 1985 SC 880](#) [[LNIND 1985 SC 4](#)] .
184. *Sunkara Suri Babu v State of AP*, [1996 Cr LJ 1480](#) (AP).

## THE INDIAN PENAL CODE

### CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Under the [Indian Penal Code, 1860](#) offences relating to false evidence and offences against public justice are contained in Chapter XI. In relation to proceeding in any Court, the offences enumerated are: giving false evidence or fabricating false evidence (sections 191–193); giving or fabricating false evidence with intent to procure conviction (sections 194 and 195); threatening any person to give false evidence (section 195A); using evidence known to be false (section 196); using as true a certificate known to be false (section 198); making a false statement in a declaration which is by law receivable as evidence (section 199); using as true any declaration receivable as evidence, knowing it to be false (section 200); causing disappearance of evidence of offence, or giving false information to screen offender (section 201); intentional omission to give information of offence by person bound to inform (section 202); giving false information in respect of an offence (section 203); destruction of document or electronic record to prevent its production as evidence (section 204); false personation (section 205); fraudulent removal/concealment of property (section 206); fraudulent claim to property (section 207); fraudulently suffering or obtaining decree for sum not due (section 208 and section 210); dishonestly making a false claim in Court (section 209); and intentional insult or interruption to public servant sitting in judicial proceedings (section 228). [Section 195 of Code of Criminal Procedure](#) provides that no Court shall take cognizance of any offence punishable under section 172–188 (dealing with the contempt of the lawful authority of public servants) or section 193–196, 199, 200, 205–211 and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of that Court by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.<sup>1.</sup>

#### **[s 202] Intentional omission to give information of offence by person bound to inform.**

**Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.**

#### **COMMENT.—**

This section punishes the illegal omission to give information of those who are by some law bound to give information, when such omission is intentional. It is similar to section 176. See [sections 39 and 40, Criminal Procedure Code](#), as to the persons legally bound to give information. The word "whoever" in [section 202, IPC, 1860](#), refers to persons other than the offender.<sup>185.</sup> Moreover to compel a criminal to incriminate himself would violate the spirit of [Article 20\(3\) of the Constitution](#). Where the duty to inform arises first and is not performed, the liability under this section would arise and it would be no defence that subsequent to the breach of duty there was involvement of

the accused person in some crimes. The person who knew or had reason to believe that death was not natural was obliged under the section to give information.<sup>186.</sup>

### **[s 202.1] Essential Ingredients.—**

To sustain a conviction under the above quoted [section 202 of the Penal Code](#), it is necessary for the prosecution to prove:

- (1) that the accused had knowledge or reason to believe that some offence had been committed,
- (2) that the accused had intentionally omitted to give information respecting that offence and
- (3) that the accused was legally bound to give that information.<sup>187.</sup>

332 The [Indian Penal Code](#) [Chapter XI]

### **[s 202.2] CASES.—**

The accused persons who raped a girl of 11 years and caused her death by thrusting a stick into her private part were under no obligation to file information of their own criminality, they became liable under this section because by falsely telling the mother of the victim that they had already reported the matter, they prevented her from lodging report with the police.<sup>188.</sup>

This section has also no application where the principal offence has not been established.<sup>189.</sup>

### **[s 202.3] Failure of doctor to give information.—**

The allegation was the Accused, a dentist treated one of the injured assailants by suturing (stitching) his wound on the back after applying local anaesthesia pursuant of a previous plan that if and when any of the assailants got injured in the attack then immediate medical treatment would be given by the accused to the injured. The accused stitched the back of an assailant, which is not the job of a dentist. Offence under section 201 *prima facie* made out.<sup>190.</sup> The failure on the part of the doctor to give information to the police (in this case information was given after a gap of six days) has been held not to constitute any offence under section 202. It would have to be shown that doctors were duty bound to give such information that there was knowledge that in the burning of the lady some offence was involved. Even where this would be so, it would be a separate offence. The doctors cannot be prosecuted jointly with the main accused.<sup>191.</sup>

1. *S Palani Velayutham v District Collector Tirunvelveli TN*, (2010) 1 SCC (Cr) 401 : (2009) 10 SCC 664 [LNIND 2009 SC 1659] : (2009) 12 SCR 1215 [LNIND 2009 SC 1659] .
185. *HS Rathod*, 1979 Cr LJ 1025 : AIR 1979 SC 1232 [LNIND 1979 SC 43] .
186. *Bhagwan Swarup v State of Rajasthan*, AIR 1991 SC 2062 [LNIND 1991 SC 416] : 1991 Cr LJ 3123 .
187. *HS Rathod*, (*supra*).
188. *Ghuraiyaa v State of MP*, 1990 Cr LJ 1129 . *State of Rajasthan v Chhote Lal*, 2012 Cr LJ 1214 (SC) : 2011 (6) Scale 526 : 2012 AIR (SCW) 1159.
189. *HS Rathod*, *supra*.
190. *State of Kerala v Raneef*, (2011) 1 SCC 784 [LNIND 2011 SC 3] : AIR 2011 SC 340 [LNIND 2011 SC 3] : 2011 Cr LJ 982 : (2011) 1 SCC (Cr) 409.
191. *KK Patnayak (Dr) v State of MP*, 1999 Cr LJ 4911 (MP).

## THE INDIAN PENAL CODE

### CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Under the [Indian Penal Code, 1860](#) offences relating to false evidence and offences against public justice are contained in Chapter XI. In relation to proceeding in any Court, the offences enumerated are: giving false evidence or fabricating false evidence (sections 191–193); giving or fabricating false evidence with intent to procure conviction (sections 194 and 195); threatening any person to give false evidence (section 195A); using evidence known to be false (section 196); using as true a certificate known to be false (section 198); making a false statement in a declaration which is by law receivable as evidence (section 199); using as true any declaration receivable as evidence, knowing it to be false (section 200); causing disappearance of evidence of offence, or giving false information to screen offender (section 201); intentional omission to give information of offence by person bound to inform (section 202); giving false information in respect of an offence (section 203); destruction of document or electronic record to prevent its production as evidence (section 204); false personation (section 205); fraudulent removal/concealment of property (section 206); fraudulent claim to property (section 207); fraudulently suffering or obtaining decree for sum not due (section 208 and section 210); dishonestly making a false claim in Court (section 209); and intentional insult or interruption to public servant sitting in judicial proceedings (section 228). [Section 195 of Code of Criminal Procedure](#) provides that no Court shall take cognizance of any offence punishable under section 172–188 (dealing with the contempt of the lawful authority of public servants) or section 193–196, 199, 200, 205–211 and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of that Court by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.<sup>1</sup>

#### **[s 203] Giving false information respecting an offence committed.**

**Whoever knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.**

<sup>192</sup>.**[Explanation.—In sections 201 and 202 and in this section the word "offence", includes any act committed at any place out of <sup>193</sup> [India], which, if committed in <sup>194</sup> [India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.]**

#### **COMMENT.—**

The liability under this section attaches to anyone who gives false information whether he is legally bound to furnish such information or not. The object of the Legislature is to discourage and punish the giving of false information to the police concerning offences which are actually committed and which the person charged with knows, or

has reason to believe, have been actually committed. The section contemplates information volunteered by some person.

### **[s 203.1] Ingredients.—**

To secure a conviction under [section 203, IPC, 1860](#), the prosecution must prove,

- (1) that an offence has been committed;
- (2) that the accused knew or had reason to believe that such offence had been committed;
- (3) that he gave the information with respect to that offence;
- (4) that the information so given was false;
- (5) that when he gave such information he knew or believed it to be false.<sup>195.</sup>

A complaint against the petitioners/accused for committing an offence under [section 203 of the IPC, 1860](#) would lie only in a case where such accused had voluntarily given false information in respect of an offence committed knowing or believing it to be false. Statements given by them to police during investigation of the crime and recorded under section 161 of the Code even if it is false, will not constitute an offence under [section 203 of the IPC, 1860](#).<sup>196.</sup> Where two nuns died due to fall of bricks lifted by hoist lift without protective measures at construction site. Deed of settlement purportedly made in the name of a fictitious person so as to save the culpability of the contractor. Offence made out.<sup>197.</sup> Where the accused were prosecuted for throttling a man to death and also for giving for the purpose of screening murder wrong information that he died of excessive drinking, there being no direct evidence for the offence of murder, the accused were acquitted of the offence of murder and their conviction under section 201 was modified into one under section 203 for giving false information.<sup>198.</sup> Where petitioners were charged under [section 203](#) and [section 211, IPC, 1860](#) by the police only to cover up their mishandling of the investigation and their having falsely charged the petitioners of a crime which never took place, Court ordered compensation to the petitioners.<sup>199.</sup>

1. *S Palani Velayutham v District Collector Tirunvelveli TN*, (2010) 1 SCC (Cr) 401 : (2009) 10 SCC 664 [LNIND 2009 SC 1659] : (2009) 12 SCR 1215 [LNIND 2009 SC 1659] .

192. Added by Act 3 of 1894, section 6.

193. The words "British India" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, section 3 and Sch. (w.e.f. 1 April 1951), to read as above.

194. The words "British India" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, section 3 and Sch (w.e.f. 1 April 1951), to read as above.

195. *Bhagguram*, 1982 Cr LJ 106 (MP).

196. *Jiji joseph v Tomy Ignatius*, 2013 Cr LJ 828 (Ker).

197. *Kumar v State of Kerala*, 2012 Cr LJ 3193 (Ker).

198. *Nagireddi Siva v State of AP*, 1992 Cr LJ 1339 (AP).



199. *Peruboyina Satyanarayana v State of AP*, 2006 Cr LJ 3027 (AP).

## THE INDIAN PENAL CODE

### CHAPTER XI OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

Under the [Indian Penal Code, 1860](#) offences relating to false evidence and offences against public justice are contained in Chapter XI. In relation to proceeding in any Court, the offences enumerated are: giving false evidence or fabricating false evidence (sections 191–193); giving or fabricating false evidence with intent to procure conviction (sections 194 and 195); threatening any person to give false evidence (section 195A); using evidence known to be false (section 196); using as true a certificate known to be false (section 198); making a false statement in a declaration which is by law receivable as evidence (section 199); using as true any declaration receivable as evidence, knowing it to be false (section 200); causing disappearance of evidence of offence, or giving false information to screen offender (section 201); intentional omission to give information of offence by person bound to inform (section 202); giving false information in respect of an offence (section 203); destruction of document or electronic record to prevent its production as evidence (section 204); false personation (section 205); fraudulent removal/concealment of property (section 206); fraudulent claim to property (section 207); fraudulently suffering or obtaining decree for sum not due (section 208 and section 210); dishonestly making a false claim in Court (section 209); and intentional insult or interruption to public servant sitting in judicial proceedings (section 228). [Section 195 of Code of Criminal Procedure](#) provides that no Court shall take cognizance of any offence punishable under section 172–188 (dealing with the contempt of the lawful authority of public servants) or section 193–196, 199, 200, 205–211 and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of that Court by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.<sup>1</sup>

#### **[s 204] Destruction of document to prevent its production as evidence.**

**Whoever secretes or destroys any <sup>200</sup>. [document or electronic record] which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such <sup>201</sup>. [document or electronic record] with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.**

#### **COMMENT.—**

Section 175 deals with omission to produce or deliver up any document to any public servant, this section deals with secretion or destruction of a document which a person may lawfully be compelled to produce in a Court. A person may secrete a document not only when the existence of the document is unknown to other persons and for the