

# **THE INDIAN PENAL CODE**

## **CHAPTER XII OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS**

The offences described in this Chapter relate to (I) Coins and (II) Government Stamps.

### **(I) Coins.—**

The offences relating to coins may be classified into three divisions:—

(1) Counterfeiting, (2) alteration, and (3) acts of mint employees.

#### **1. Counterfeiting—**

- (1) Counterfeiting coins (sections 231, 232).
- (2) Making or selling instrument for counterfeiting (sections 233, 234).
- (3) Possession of instrument for counterfeiting (section 235).
- (4) Abetting in India the counterfeiting of coin out of India (section 236).
- (5) Importing or exporting of counterfeit coin (sections 237, 238).
- (6) Delivering counterfeit coin knowing it to be so (sections 239, 240).
- (7) Delivering counterfeit coin not known to be so when first possessed (section 241).
- (8) Possession of counterfeit coin knowing it to be so (sections 242, 243).

#### **2. Alteration—**

- (1) Diminishing the weight or altering the composition of any coin (sections 246, 247).
- (2) Altering appearance of any coin to pass it off as a different coin (sections 248, 249).
- (3) Delivering coin possessed with the knowledge that it is altered (sections 250, 251).
- (4) Possessing altered coin knowing it to be so (sections 252, 253).
- (5) Delivering altered coin which the deliverer did not know to be altered when first possessed (section 254).

#### **3. Acts of mint employees—**

- (1) Persons employed in a mint causing coin to be of a different weight or composition from that fixed by law (section 244).
- (2) Unlawful taking from a mint any coining instrument (section 245).

### **(II) Government Stamps.—**

- (1) Counterfeiting a stamp (section 255).
- (2) Possession of an instrument for counterfeiting a stamp (section 256).

- (3) Making or selling an instrument for counterfeiting a stamp (section 257).
- (4) Sale of a counterfeit stamp (section 258).
- (5) Possession of a counterfeit stamp (section 259).
- (6) Using as genuine a stamp known to be counterfeit (section 260).
- (7) Effacing any writing from a substance bearing a stamp or removing from a document a stamp used for it, with intent to cause loss to Government (section 261).
- (8) Using a stamp known to have been before used (section 262).
- (9) Erasure of mark denoting that a stamp has been used (section 263).
- (10) Making, uttering, or dealing in, or selling or using for postal purpose, any fictitious stamp; or possessing any fictitious stamp; or making or possessing any instrument for manufacturing fictitious stamps (section 263A).

**[s 263] Erasure of mark denoting that stamp has been used.**

**Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by the Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.**

**COMMENT.—**

This section punishes (1) erasure or removal of a mark denoting that a stamp has been used, (2) knowingly possessing any such stamp, and (3) selling or disposing of any such stamp.

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#### **1. Counterfeiting—**

- (1) Counterfeiting coins (sections 231, 232).
- (2) Making or selling instrument for counterfeiting (sections 233, 234).
- (3) Possession of instrument for counterfeiting (section 235).
- (4) Abetting in India the counterfeiting of coin out of India (section 236).
- (5) Importing or exporting of counterfeit coin (sections 237, 238).
- (6) Delivering counterfeit coin knowing it to be so (sections 239, 240).
- (7) Delivering counterfeit coin not known to be so when first possessed (section 241).
- (8) Possession of counterfeit coin knowing it to be so (sections 242, 243).

#### **2. Alteration—**

- (1) Diminishing the weight or altering the composition of any coin (sections 246, 247).
- (2) Altering appearance of any coin to pass it off as a different coin (sections 248, 249).
- (3) Delivering coin possessed with the knowledge that it is altered (sections 250, 251).
- (4) Possessing altered coin knowing it to be so (sections 252, 253).
- (5) Delivering altered coin which the deliverer did not know to be altered when first possessed (section 254).

#### **3. Acts of mint employees—**

- (1) Persons employed in a mint causing coin to be of a different weight or composition from that fixed by law (section 244).
- (2) Unlawful taking from a mint any coining instrument (section 245).

### **(II) Government Stamps.—**

- (1) Counterfeiting a stamp (section 255).
- (2) Possession of an instrument for counterfeiting a stamp (section 256).

- (3) Making or selling an instrument for counterfeiting a stamp (section 257).
- (4) Sale of a counterfeit stamp (section 258).
- (5) Possession of a counterfeit stamp (section 259).
- (6) Using as genuine a stamp known to be counterfeit (section 260).
- (7) Effacing any writing from a substance bearing a stamp or removing from a document a stamp used for it, with intent to cause loss to Government (section 261).
- (8) Using a stamp known to have been before used (section 262).
- (9) Erasure of mark denoting that a stamp has been used (section 263).
- (10) Making, uttering, or dealing in, or selling or using for postal purpose, any fictitious stamp; or possessing any fictitious stamp; or making or possessing any instrument for manufacturing fictitious stamps (section 263A).

**[s 263A] Prohibition of fictitious stamps.**

**(1) Whoever—**

- (a) makes, knowingly utters, deals in or sells any fictitious stamps, or knowingly uses for any postal purpose any fictitious stamp, or**
- (b) has in his possession, without lawful excuse, any fictitious stamp, or**
- (c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,**

**shall be punished with fine which may extend to two hundred rupees.**

- (2) Any such stamps, die, plate, instrument or materials in the possession of any person for making any fictitious stamp <sup>39</sup> [may be seized and, if seized] shall be forfeited.**
- (3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by the Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government, for that purpose.**
- (4) In this section and also in sections 255 to 263, both inclusive, the word "Government", when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorized by law to administer executive Government in any part of India, and also in any part of Her Majesty's dominions or in any foreign country.**

**COMMENT.—**

This section makes it an offence to manufacture fictitious stamps, which are defined to be stamps purporting to be used for purposes of postage by any foreign Government. It

was enacted for the purpose of stopping the use of fictitious stamps on letters coming from abroad.

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39. Subs. by Act 42 of 1953, sec. 4 and Sch. III, for "may be seized and" (w.e.f. 23-12-1953).

## THE INDIAN PENAL CODE

### CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES

#### [s 264] Fraudulent use of false instrument for weighing.

**Whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.**

#### COMMENT.—

Intention is an essential part of the offence under this section. The section requires two things: (1) fraudulent use of any false instrument for weighing, and (2) knowledge that it is false. The word 'false' in this and the following sections means different from the instrument, weight, or measure, which the offender and the person defrauded have fixed upon, expressly or by implication, with reference to their mutual dealings. Where it was agreed between the seller and purchaser that a particular measure was to be used in measuring the commodity sold, it was held that, even though the measure was not of the standard requirement, it was not 'false' and there was no fraudulent intent within the meaning of this section.<sup>1</sup>

1. *Kanayalal*, (1939) 41 Bom LR 977 .

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### CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES

[s 265] Fraudulent use of false weight or measure.

Whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

#### COMMENT.—

It is clear from the above definition that the prosecution must prove three essential ingredients amongst others as

- (1) a weight or measure is a false one,
- (2) that the accused used such a weight or measure, and
- (3) that he did so fraudulently.<sup>2.</sup>

<sup>2.</sup> *Suwalal v State*, 1962 (2) Cr LJ 693.

## THE INDIAN PENAL CODE

### CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES

**[s 266] Being in possession of false weight or measure.**

**Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, which he knows to be false, <sup>3</sup>intending that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.**

#### **COMMENT.—**

This section punishes a person who is in possession of a false weight or measure just as sections 235, 239 and 240 punish a person who is in possession of a counterfeit coin, and section 259 punishes a person who is in possession of a counterfeit stamp.

A measure is false if it is something other than what it purports to be. If both the purchaser and seller are aware of the actual measure being used, there is no fraudulent intent as required by this section. It is only when the seller purports to sell according to a certain standard, and sells below that standard, that he can be said to be guilty of fraud.<sup>4</sup>

The mere possession of false weights or measures will not in itself raise any strong presumption of fraud. It is necessary to show that the accused knew the scales to be false and intended to use them fraudulently.<sup>5</sup>

<sup>3</sup>. The word and omitted by Act 42 of 1953, section 4 and Sch. III (w.e.f. 23-12-1953).

<sup>4</sup>. *Kanayalal*, (1939) 41 Bom LR 977 .

<sup>5</sup>. *Hamirmal*, (1890) Unrep Cr C 514.



## **THE INDIAN PENAL CODE**

### **CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES**

**[s 267] Making or selling false weight or measure.**

**Whoever makes, sells or disposes of any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.**

#### **COMMENT.—**

The object of this section is to prevent the circulation of false scales, weights or measures. It punishes a person who makes, sells, or disposes of a false balance, weight or measure.

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### CHAPTER XIV OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY CONVENIENCE, DECENCY AND MORALS

The following specific instances of nuisance are dealt with in this Chapter:—

1. Act likely to spread infection (sections 269–271).
2. Adulteration of food or drink (sections 272–273).
3. Adulteration of drugs (sections 274–276).
4. Fouling water of a public spring or reservoir (section 277).
5. Making atmosphere noxious to health (section 278).
6. Rash driving or riding (section 279).
7. Rash navigation (sections 280-282).
8. Exhibition of false light, mark or buoy (section 281).
9. Danger or obstruction in a public way or line of navigation (section 283).
10. Negligence in respect of poison (section 284), fire (section 285) or explosive substances (section 286).
11. Negligence in respect of machinery (section 287), building (section 288) or animals (section 289).
12. Selling obscene literature and pictures (sections 292, 293) or doing obscene acts (section 294).
13. Keeping a lottery office (section 294A).

#### **[s 268] Public nuisance.**

**A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger, or annoyance to the public or to the people in general who dwell or occupy property in the vicinity or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.**

**A common nuisance is not excused on the ground that it causes some convenience or advantage.**

#### **COMMENT.—**

Nuisance is an inconvenience that materially interferes with the ordinary physical comfort of human existence. It may be public or private nuisance. As defined in [section 268 Indian Penal Code, 1860 \(IPC, 1860\)](#) public nuisance is an offence against public either by doing a thing which tends to the annoyance of the whole community in general or by neglect to do anything which the common good requires. On the alternative it causes injury, obstruction, danger or annoyance to persons who may have