

CRIMINAL COURT CASES

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2019(3) CRIMINAL COURT CASES 001 (S.C.)

SUPREME COURT OF INDIA

R.BANUMATHI & S.ABDUL NAZEER, JJ.

Criminal Appeal No.855 of 2019 (Arising out of SLP(Crl.) No.7252 of 2016) with Criminal Appeal No.856 of 2019 (Arising out of SLP(Crl.) No.7287 of 2016), Criminal Appeal No.857 of 2019 (Arising out of SLP(Crl.) No.8206 of 2016), Criminal Appeal No.858 of 2019 (Arising out of SLP(Crl.) No.9064 of 2016), Criminal Appeal No.859 of 2019 (Arising out of SLP (Crl.) No.9065 of 2016), D/07.05.2019.

Sasikala Pushpa & Ors.

Vs

State of Tamil Nadu

(i) Criminal Procedure Code, 1973, Ss.340, 195 — Forgery or forged document - Mere incorrect statement in vakalatnama would not amount to create a forged document and it cannot be reason for exercising jurisdiction u/s 340 Cr.P.C for issuance of direction to lodge criminal complaint against accused. (Para 19)

(ii) Criminal Procedure Code, 1973, Ss.340, 195 — Forgery - It is necessary before lodging complaint that Court must be satisfied that it was expedient in interest of justice to lodge complaint - Use of actual words of S.340 Cr.P.C not necessary, but Court should record a finding indicating its satisfaction that it is expedient in interest of justice that an enquiry should be made - Prosecution is to be launched only if it is expedient in interest of justice and not on mere allegations or to vindicate personal vendetta. (Para 10)