

## Counter Charge – 498a

Offence (legally) is the best form of defense. If you had waited for 11 years to get acquitted from 498a case which is so obviously false and blatantly misused, I am sure many of us will take more than that, since some cases are well thought-off (by Advocatus Diaboli- Advocates of the Devil!) and evidences and foolishness on the part of the complainants are fewer and less obvious or provable, like as in your case.

My strategy to put pressure (and of course poison their mind, and give them a taste of their own medicine) was to file counter cases even before my 498a case "charges are framed" by the Public prosecutor of the Magistrate court (I did wait until the police submitted the chargesheet to the court).

The 4 different cases which I have filed until now, as per the Indian Penal Code Sections mentioned below: (the courts may not move on these cases and send summons at all, but the mental stress it will be created in the minds of the complainants is unfathomable- the anticipation of imprisonment upto 7 years! (more than what 498a would ever fetch u, which is just 4 years, you could plan to take a Ph.D in that jail period ;) is more stressful than actual conviction to any degree!. Try it and see the noose loosen around you, you can then decide whether u want to hit the gas pedal further, or quit leaving the vermin wriggling in their death throes (But Dont ever quit giving them the Hell they deserve- is my personal request, but situations may require it sometime).

Almost all the advocates will initially say that no counter case is possible, since the matter is under the consideration of a court (As they all advised! us, but we did file the cases after all), but the point here is that u are not trying to disprove the whole case of 498a, you are only citing specific portions, for which you have evidence and can prove as false- you are deconstructing the whole case into portions which you can 'Kill' with counter cases). Its nothing but a Ruthless mind game, the same game they thought you will succumb to, only now u have decided to Turn Tables!, enjoy your raids and sorties fully... Get Even, if you cant get Justice!

This has 2 logical benefits, 1) You can put the other party in deep distress, which itself is a victory 2) You can start proving the portions as false and can use that proceedings to support your main case of 498a!.

IN ANY CASE I WOULD BE GRATEFUL IF YOU GUYS, WHO ARE TRYING WITH SUITABLE COUNTER CASES, CAN KEEP ME POSTED ON THE PROGRESS ON YOUR COUNTER CASES. WE CAN TRY CROSS REFERRING OUR CASES TO THE RESPECTIVE COURTS FOR MAXIMUM MUTUAL BENEFIT (SINCE SOME COURTS MAY BE MORE RECEPTIVE FOR COUNTER CASES THAN OTHERS, AND THE JUDGEMENTS OF THESE COURTS WILL EASE THE RESISTANCE IN THE COURTS WHICH ARE NOT SO RECEPTIVE- LET SYNERGY PREVAIL AND KILL THE ENEMY/EVIL)

1st Case @@@@

Case on sections 192, 193, 196 and 209 of I.P.C. ie. 192. Fabricating false evidence, 193. Punishment for false evidence, 196. Using evidence known to be false, 209. Dishonestly making false claim in Court

@@@@

2nd Case @@@@

Case u/s 211 of I.P.C.: 211. False charge of offence made with intent to injure

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

3rd Case @@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Separate case : Charging 120 B of I.P.C., 463, 464, 465, 466, 468, 469, 471 r/w 34 of I.P.C. : 120B. Punishment of criminal conspiracy, 463. Forgery, 464. Making a false document, 463. Forgery, 464. Making a false document, 465. Punishment for forgery, 466. Forgery of record of court or of public register, etc, 468. Forgery for purpose of cheating, 469. Forgery for purpose of harming reputation, 471. Using as genuine a forged document

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

4th Case @@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Case under section 340 Cr.P.C: Wrongful confinement

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

\*\*\*\*\* Explanation of the above IPC Sections\*\*\*\*\*

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Case on sections 192, 193, 196 and 209 of I.P.C. ie. 192. Fabricating false evidence, 193. Punishment for false evidence, 196. Using evidence known to be false, 209. Dishonestly making false claim in Court

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

192. Fabricating false evidence

Whoever causes any circumstance to exist or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence".

Illustrations

(a) A, puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.

(b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated false evidence.

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the Police are likely to search. A has fabricated false evidence.

193. Punishment for false evidence

Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine,

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation 1- A trial before a Court-martial; 101[\*\*\*] is a judicial proceeding.

Explanation 2- An investigation directed by law preliminary to a proceeding before a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a state of a judicial proceeding, A has given false evidence.

Explanation 3- An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is a state of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustration

A, in any enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding. A has given false evidence.

195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which 102[by the law for the time being in force in 103[India]] is not capital, but punishable with 104[imprisonment for life], or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is 104[imprisonment for life], or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to 105[imprisonment for life] or imprisonment, with or without fine.

196. Using evidence known to be false

Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

197. Issuing or signing false certificate

Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

198. Using as true a certificate known to be false

Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

199. False statement made in declaration which is by law receivable as evidence

Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

209. Dishonestly making false claim in Court

Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of Justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Case u/s 211 of I.P.C.: 211. False charge of offence made with intent to injure

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

211. False charge of offence made with intent to injure

Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

and if such criminal proceeding be instituted on a false charge of an offence punishable with death, 104[imprisonment for life], or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Separate case : Charging 120 B of I.P.C., 463, 464, 465, 466, 468, 469, 471 r/w 34 of I.P.C. : 120B. Punishment of criminal conspiracy, 463. Forgery, 464. Making a false document, 463. Forgery, 464. Making a false document, 465. Punishment for forgery, 466. Forgery of record of court or of public register, etc, 468. Forgery for purpose of cheating, 469. Forgery for purpose of harming reputation, 471. Using as genuine a forged document

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

120A. Definition of criminal conspiracy

When two or more persons agree to do, or cause to be done,-

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation- It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.]

### 32[120B. Punishment of criminal conspiracy

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 51[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

### 463. Forgery

Whoever makes any false documents 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.

### 464. Making a false document

A person is said to make a false document-

First- Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed, or at a time at which he knows that it was not made, signed, sealed or executed; or

Secondly- Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

Thirdly- Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practiced upon him, he does not know the contents of the document or the nature of the alteration.

### Illustrations

(a) A has a letter of credit upon B for rupees 10,000 written by Z. A, in order to defraud B, adds a cipher to the 10,000, and makes the sum 1,00,000 intending that it may be delivered by B that Z so wrote the letter. A has committed forgery.

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention to selling the estate to B, and thereby of obtaining from B the purchase-money. A has committed forgery.

(c) A picks up a cheque on a banker-signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payment. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains the these words-"I direct that all my remaining property be equally divided between A, B and C" A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.

(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property. A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery in as much as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1- A man's signature of his own name may amount to forgery.

#### Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person whose order it was payable; here A has committed forgery.

(d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate of Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before. A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2- The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

#### Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

#### 465. Punishment for forgery

Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

#### 466. Forgery of record of court or of public register, etc

Whoever forges a document, purporting to be a record or proceeding of or in a Court of Justice, or a register of birth, baptism, marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgement, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

468. Forgery for purpose of cheating

Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

469. Forgery for purpose of harming reputation

Whoever commits forgery, intending that the document forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

470. Forged document

A false document made wholly or in part by forgery is designated "a forged document".

471. Using as genuine a forged document

Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

Case under section 340 Cr.P.C: Wrongful confinement

@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@@

340. Wrongful confinement

Whoever wrongfully restrains any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits, is said "wrongfully to confine" that person.

Illustrations

(a) A causes Z to go within a walled space, and locks Z in. A is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

Happy fighting!, Give to them, right back.....

Regards  
Gokul

Tele/Fax: +91 22 25614188(Bombay, Res), +91 9821414336