

**RMM LAW COLLEGE SAHARSA**

**Indian Penal Code**

**Ist Part**

**Paper -**

**TOPIC-**

**Topic- PROVISIONS AS TO BAILS AND BONDS**

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**22. "Movable property":**

The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth.

**23. "Wrongful gain":**

"Wrongful gain" is the gain by unlawful means of property which the person gaining is not legally entitled.

"Wrongful loss".- "Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

Gaining Wrongfully/Losing wrongfully. - A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

**24. "Dishonestly":**

Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

**25. "Fraudulently":**

A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

**26. "Reason to believe":**

A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing but not otherwise.

**27. Property in possession of wife, clerk or servant:**

When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation. - A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this section.

**28. "Counterfeit":**

A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

[Explanation 1. - It is not essential to counterfeiting that the imitation should be exact.

Explanation 2. - When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practice deception or knew it to be likely that deception would thereby be practised.]

## **29. "Document":**

The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation 1. - It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in, a Court of Justice, or not.

### Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A power-of-attorney is a document.

A man or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2. - Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

#### Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder" or words to that effect had been written over the signature.

[29-A. "Electronic record. - The word "electronic record" shall have the meaning assigned to them in clause (s) of sub-section (1) of section 2 of the Information Technology Act, 2000.]

### **30. "Valuable security":**

The words "valuable security" denote a document which is, or 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.

#### Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security".

#### **31. "A will":**

The words "a will" denote any testamentary document.

#### **32. Words referring to acts include illegal omissions:**

In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

#### **33. "Act"/"Omission":**

The word "act" denotes as well a series of acts as a single act; the word "omission" denotes as well a series of omissions as a single omission.

#### **34. Acts done by several persons in furtherance of common intention:**

When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.]

