

**HIGH COURT OF JAMMU, KASHMIR AND LADAKH
AT JAMMU**

Reserved on 29.09.2026

Pronounced on 07.10.2026

Uploaded on 07.10.2026

Whether the operative part
or full Judgment is pronounced: **Full**

CRM(M) No. 399/2022

Ankush Sharma

.....Appellant(s)/Petitioner(s)

Through: Mr. Achal Sharma, Adv.

Vs

U. T. of J&K and another

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy.AG

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1. The petitioner, through the medium of present petition, has challenged charge sheet/challan arising out of FIR bearing No. 08/2016 dated 30.01.2016 for offences under sections 420, 467, 468 & 471 RPC of Police Station, Akhnoor, which is stated to be pending before the court of learned Judicial Magistrate 1st Class, Akhnoor.
2. As per case of the prosecution, the petitioner had participated in the special recruitment drive for the post of constable in Jammu and Kashmir Police, District Jammu for the candidates belonging to Tehsil Akhnoor, which was conducted on 28th/29th of August, 2011 by the recruitment board of the Police Department. The name of the petitioner figured in the list of 173 candidates selected during the recruitment process. The petitioner is stated to have produced before the competent authority his certificates including the

certificate of his being a Permanent Resident of the J&K State. Upon verification of the said certificate, the same was found to be fake. A complaint in this regard was made by the Senior Superintendent of Police, Jammu as the basis of which, aforesaid FIR came to be registered.

3. During the course of investigation, it was found that mother of the petitioner had entered into wedlock with one Sh. Ram Parshad Sharma, who is a resident of Ganga Nagar, Rajasthan. It was also found that the maternal grandmother of the petitioner, Smt Shanti Devi was not having any son, therefore, she brought the petitioner to her house. It was further found during the course of investigation that Smt. Shanti Devi bequeathed all her property to her daughter, Kamla Devi, mother of the petitioner and she adopted the petitioner as her son. The investigation revealed that Smt. Shanti Devi had approached Patwari, namely, Ravi Singh and with his connivance, she had managed to procure a fake Permanent Resident Certificate in favour of the petitioner, who at the relevant time was aged only 13 years. This fake Permanent Resident Certificate was produced by the petitioner before the competent authority at the time of his recruitment as constable in the J&K Police in the year 2011. After the investigation of the case, offences under sections 420, 467, 468 & 471 RPC were found established against the petitioner, his maternal grandmother, Smt Shanti Devi and Patwari Ravi Singh. Smt Shanti Devi, maternal grandmother of the petitioner is stated to have died in the year 2015, whereas Patwari-Ravi Singh is stated to have died in the year 2010.
4. It appears that the challan was committed by the Judicial Magistrate 1st Class, Akhnoor to the court of learned Principal Sessions Judge, Jammu.

After it was found that offence under section 471 RPC only is made out against the petitioner, the learned Sessions Judge, Jammu sent back the challan to the Judicial Magistrate 1st Class, Akhnoor.

5. The petitioner has challenged the impugned challan on the ground that no offence is made out against him even if, the allegations made in the charge sheet are taken to be true at their face value. It has been contended that as per the investigation conducted by the Investigating Agency, the petitioner has not been found involved in commission of forgery of the Permanent Resident Certificate. Neither there is any evidence on record to show that he had the knowledge that the Permanent Resident Certificate, which he produced before the competent authority was fake, because he was a minor boy at the time of preparation of the Permanent Resident Certificate.
6. I have heard learned counsel for the parties and perused the record of the case.
7. As is clear from the findings arrived at by the Investigating Agency during the course of investigation, the petitioner was only 13 years of age at the time when the Permanent Resident Certificate was prepared. There is no evidence on record to show that the petitioner was involved in the process of forgery of the certificate in question. It is clearly stated in the challan that the certificate in question was forged by the maternal grandmother of the petitioner, namely, Smt Shanti Devi in connivance with the Patwari, namely, Ravi Singh. Both of them have passed away. Thus, the offence of forgery is not made out against the petitioner nor it can be stated that he had connived with other two accused in connection with preparation of the forged

Permanent Resident Certificate as he was only 13 years of age at the relevant time.

8. However, there is material on record of the charge sheet to show that the petitioner did produce this forged certificate before the selection authority at the time of his selection. The question that arises for consideration is whether offence under section 471 RPC which makes the act of using as genuine a forged document a punishable offence, is made out against the petitioner. In order to find an answer to the aforesaid question, it would be necessary to have a look at the provisions contained in section 471 RPC, which reads as under:

“Using as genuine a forged document or electronic record- whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged documents or electronic record, shall be punished in the same manner as if he had forged such document or electronic record”

9. From a plain reading of the aforesaid provision, it is clear that for constituting an offence under section 471 RPC, the following ingredients have to be fulfilled:

- (i) The documents is a forged one,
- (ii) Accused used the documents as genuine,
- (iii) Accused knew or had reasons to believe that it was a forged document, and
- (iv) Accused used it fraudulently or dishonestly, knowing or having reason to believe that it was a forged document.

10. Coming to the facts of the present case, the document, which was produced by the petitioner before the selection authority, is a forged document. The said fact stands established from the material collected by the Investigating Agency. There is also material on record to show that the petitioner has used the said document as genuine. The only question that remains to be

determined is as to whether the accused/petitioner knew or had reason to believe that it was a forged document.

11. The Supreme Court in the case of **A. S. Krishanan v. State of Kerala, (2004) 11 SCC 576** has, while discussing the essential ingredients of section 471 IPC, which is in *pari materia* with section 471 of RPC, explained the expressions 'knowledge' and 'reason to believe' in the following manner:

"Under the [IPC](#), guilt in respect of almost all the offences is fastened either on the ground of "intention" or "knowledge" or "reason to believe". We are now concerned with the expressions "knowledge" and "reason to believe". "Knowledge" is an awareness on the part of the person concerned indicating his state of mind. "Reason to believe" is another facet of the state of mind. "Reason to believe" is not the same thing as "suspicion" or "doubt" and mere seeing also cannot be equated to believing.

"Reason to believe" is a higher level of state of mind. Likewise "knowledge" will be slightly on higher plane than "reason to believe". A person can be supposed to know where there is a direct appeal to his senses and a person is presumed to have a reason to believe if he has sufficient cause to believe the same. [Section 26](#) IPC explains the meaning of the words "reason to believe" thus:

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."

In substance what it means is that a person must have reason to believe if the circumstances are such that a reasonable man would, by probable reasoning, conclude or infer regarding the nature of the thing concerned. Such circumstances need not necessarily be capable of absolute conviction or inference; but it is sufficient if the circumstances are such creating a cause to believe by chain of probable reasoning leading to the conclusion or inference about the nature of the thing. These two requirements i.e. "knowledge" and "reason to believe" have to be deduced from various circumstances in the case."

12. Learned counsel for the respondents has contended that the petitioner knew that his Permanent Resident Certificate was a forged document. It is being contended that inference can be drawn from the fact that the father of the petitioner being a resident of Rajasthan, the petitioner had reason to believe that he is not a permanent resident of the J&K State. It is being contended that in the face of these facts, the petitioner had the knowledge or he had the

reason to believe that the document which he had produced before the selection authority was forged in nature.

13. The aforesaid contention of the learned counsel for the respondents appears to be attractive but when the material on record is carefully analysed in light of the ratio laid down by the Supreme Court in the afore-quoted judgment, the same turns out to be baseless. There is evidence on record in the shape of statements of PWs Smt. Kamala Devi, mother of the petitioner, Rattan Singh and Naseeb Singh to show that the petitioner was taken in adoption by his maternal grandmother, Smt. Shanti Devi. There is also evidence on record to show that the petitioner has all along resided at Akhnoor with her maternal grandmother. Thus, the material on record tends to show that the petitioner was brought up by his maternal grandmother, who was the permanent resident of the J&K State as her son. In the face of this evidence on record, there was no reason for the petitioner to entertain any doubt about his being a permanent resident of the Jammu and Kashmir State.
14. In the face of this situation, it cannot be stated that the essential ingredient of offence under section 471 RPC with regard to the knowledge or reasonable belief of the petitioner that the document in question was a forged one, is satisfied in the instant case. The petitioner was a minor boy aged 13 years at the time of preparation of the certificate in question and he was taken in adoption by his maternal grandmother, who was a permanent resident of the J&K State, therefore, the petitioner had no reason to doubt the genuineness of the certificate which he produced before the selection authority.
15. For the foregoing discussion, it is clear that all the ingredients of offence under section 471 RPC are not satisfied in the present case. The charge

against the petitioner is, therefore, groundless. The petitioner, as such, was entitled to be discharged.

16. For all what has been said, analysed and discussed hereinabove, the impugned order passed by the learned trial Magistrate, whereby charges have been framed against the petitioner, is not sustainable in law. Accordingly, the impugned challan and the proceeding emanating therefrom are quashed. The petition stands disposed of.

(SANJAY DHAR)
JUDGE

Jammu

07.10.2026

Rakesh PS

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

