is proved by Ram Ratan P.W. 6 that he recorded the report which was lodged by Barelal There is a distinction between factum and truth of a statement. It has been aptly pointed out by Lord Parker C.J. in R. v. Willis (1960) I W.L.R. 55 that evidence of a statement made to a witness by a person who is not himself called as a witness may or may not be hearsay.

It is hearsay and inadmissible when the object of the evidence is to establish what is contained in the statement; it is not hearsay and is admissible when it is proposed to establish by the evidence not the truth of the statement but the fact that it was made. According to Ram Ratan, Barelal mentioned Pannalal's name to him. Applying the above dictum, Ramratan's evidence is inadmissible to prove that Pannalal was in fact present at the time of the occurrence; but Ram Ratan's statement is admissible to prove that Barelal had mentioned the name of Pannalal to the witness."

39. In the overall view of the matter, we are convinced that no case is made out for interference.

40. In the result, this Appeal fails and is hereby dismissed.

***Result*:-** Appeal dismissed.

ABC 2025(I) 597 SC

ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Sudhanshu Dhulia & Ahsanuddin Amanullah, JJ.)

Criminal Appeal No.5490 of 2024

(Arising Out of Special Leave Petition (Crl.) No.6845 of 2024)

(From Allahabad High Court)

Decided On: 19 December 2024

ANIL KUMAR J. BAVISHI - ***Appellant(s).***

Versus

MAHENDRA KUMAR JALAN @ M.K. JALAN - ***Respondent(s).***

Law Covered* :- *(A) Code of Criminal Procedure, 1973 – S. 195 & 340 (Bharatiya Nagarik Suraksha Sanhita, 2023 – S. 215 & 379) – False Evidence – Prosecution for – Prior Judicial Sanction – Requirement of – Section 195 CrPC – Ambit & scope of – the section mandates that offences u/ss 193, 199 & 200 IPC concerning false evidence before a court must be prosecuted only on a complaint by

the concerned court – Held, a private complaint is not maintainable for offences committed before a court or judicial authority – However, where such offences occur before a tribunal that is not classified as a "court" under CrPC, private prosecution is permissible – Tribunal's status as a non-court entity allows the complainant to file a direct private complaint without requiring prior sanction from a court. (Paras 5-9, 18-22)

(B) Indian Penal Code, 1860 – S. 193, 199 & 200 (Bharatiya Nyaya Sanhita, 2023 – S. 229, 236 & 237) – False Evidence & False Declaration – Offences Committed Outside a Court – Held, Section 195 CrPC applies only to offences concerning false evidence given before a "court" – If the alleged false evidence is presented before a tribunal or any other quasi-judicial authority that is not designated as a court under CrPC, Section 195 does not bar a private complaint – Supreme Court affirmed that in such cases, complainants may directly file a private complaint without requiring judicial approval. (Paras 10-15, 23-27)

(C) Code of Criminal Procedure, 1973 – S. 193, 195, 199, 200 & 482 (Bharatiya Nagarik Suraksha Sanhita, 2023 – S. 528) – Quashing of Complaint – Error in High Court's Application of Section 195 CrPC – High Court quashed a private complaint on the ground that offences u/ss 193, 199 & 200 IPC can only be prosecuted with prior court sanction – Supreme Court held that such a restriction applies only where offences are committed before a court and does not extend to tribunals not classified as courts – Held, High Court erred in quashing the complaint, as Section 195 did not apply in this case – Complaint restored for adjudication before the tribunal. (Paras 28-32, 35)

Facts :- *The appellant filed a private complaint against the respondent under Sections 193, 199 & 200 IPC, alleging false evidence and declarations made before a municipal tribunal. The High Court quashed the complaint under Section 482 CrPC, holding that under Section 195 CrPC, such offences require a complaint by the court where the false evidence was given. The Supreme Court reversed this decision, holding that Section 195 applies only when the false evidence is presented before a "court" as defined under CrPC. Since the municipal tribunal was not legally classified as a court, the restriction under Section 195 did not apply. The Supreme Court ruled that a private complaint was maintainable and restored the complaint for adjudication before the tribunal.*

Law of Relief :- ***(i) Private Complaint Maintainable for Offences Before Tribunals – Offences under Sections 193, 199 & 200 IPC committed before a tribunal that is not classified as a "court"***

under CrPC do not require prior judicial sanction under Section 195 CrPC – Private complaints in such cases are legally permissible.

(ii) Clarification on Scope of Section 195 CrPC – Held, the procedural bar under Section 195 CrPC applies only when false evidence is given before a court – If a tribunal lacks judicial court status, the restriction does not apply.

***Counsel* :- *For Appellant(s)*:** *Mr. Vikash Singh, Adv.*

***For Respondent(s)*:** *Mr. Ashish Choudhury, Adv.*

***Cases Referred* :-**

Iqbal Singh Narang & Ors. Vs. Veeran Narang: (2012) 2 SCC 60 (Para 15).

JUDGMENT

***Sudhanshu Dhulia, J.*:-**1. Leave granted.

2. Presently, we have a case before us where the appellant has challenged the order of the High Court dated 05.02.2024 passed on an application under Section 482 Cr.P.C., whereby the High Court has declined to grant relief to the appellant for the reason that what the appellant sought was that his private complaint, which has been made before the Chief Metropolitan Magistrate, Calcutta, for alleged offences committed at the hands of the respondent under Sections 193/199/200 IPC, be allowed. The High Court declined the relief for the reasons that such a complaint under Cr.P.C. can only be made on directions of the court concerned.

3. The only question therefore before us is whether such a complaint can be made only by orders of the court, as contemplated under Section 195 read with Section 340 Cr.P.C. or it can also be entertained as a private complaint.

4. For a ready reference, the offences which the appellant allegedly committed are under Sections 193/199/200 of the Indian Penal Code, which read as under:

> ***"Section 193. Punishment for false evidence*** *Whoever intentionally gives false evidence in any 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.*
>
> ***Section 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 authorized 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.

Section 200. Using as true such declaration knowing it to be false-

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

Now, a bare perusal of the above Sections shows that the offences mentioned therein can be committed, either before a court or at any other place as well. Section 195 read with Section 340 Cr.P.C. prescribes a definite route which has to be mandatorily followed if such an offence is alleged to have been committed before a court. But this would not mean that a person is without remedy when such an offence is committed outside the court i.e. in any other forum, such as a Tribunal, which may not be a court, like in the present case.

5. The offences were allegedly committed before a Tribunal known as Municipal Building Tribunal. It is an admitted fact that this Tribunal is not defined as a Court.

6. The precise case of the appellant is that since the "act" or the offence is not before a court, the only remedy for him now is to file a Private Complaint. It is true that in his first round of litigation, he had moved an application that the court may take a cognizance of it and filed a complaint under Section 195 read with Section 340 Cr.P.C., which the Tribunal as well as the High Court had declined.

7. In the second round of litigation, the appellant filed a private complaint, on which the cognizance was taken but the respondent, who allegedly committed the offence, invoked the inherent jurisdiction of the High Court under Section 482 Cr.P.C., where in it was argued that for these offences a private complaint cannot be filed and the law prescribes a definite path to be followed here which is laid down in Section 195 read with Section 340 of Cr.P.C.

8. The High Court came to the conclusion that the offences alleged to have been committed were those offences, on which the

complaint could have been filed only by the court or the orders of the court prescribed under Section 195 Cr.P.C. and thereafter, the procedure under Section 340 Cr.P.C. has to be followed and, therefore, the application under Section 482 Cr.P.C. was allowed, the complaint was quashed.

9. Before us, the appellant has confined his arguments only under Sections 193, 199 and 200 IPC.

10. We have absolutely no doubt in our mind that an offence under Section 193/199/200 can theoretically be committed inside as well as outside a court. It is an admitted case that the proceedings which are taking before the Tribunal is not a Court, as defined under the law. Therefore, it was not empowered to entertain such an application as prescribed under the law under Section 195 read with Section 340 Cr.P.C. The only way such an application can be entertained and that too, for the precise offences of Sections 193, 199 and 200 is through a private complaint and only relating to the offences before the Tribunal. We may refer here a decision of this Court in **Iqbal Singh Narang & Ors. Vs. Veeran Narang: (2012) 2 SCC 60** wherein under similar circumstances it was held that the only solution in such cases for a Tribunal (which is not a Court) is to entertain a private complaint.

11. We are of the considered view that in the present case the only route available for the appellant was to file a private complaint, and the Tribunal rightly had entertained such a complaint. The impugned order dated 05.02.2024 passed by the High Court is hence set aside. The complaint shall be entertained by the concerned Tribunal and thereafter, the orders shall be passed. We make it absolutely clear that we have allowed this application only on a technicality and a question of law. The fate of the complaint would lie on its merits to be decided by the Tribunal.

12. In view of above, the appeal is allowed.

13. Pending interlocutory application(s), if any, is/are disposed of.

***Result*:-** Appeal allowed. Impugned order of the High Court set aside. Complaint restored for adjudication before the tribunal.