

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, MUZAFFARPUR**Civil Court, Muzaffarpur. Bihar.****Criminal Revision No. 50 of 2026**
BRMZ010021922026**1. Sumit Kumar, S/O Ramesh Kumar Chaudhary****Resident of K.D. House, Ashok Vihar Colony****P.S. Ahiyapur, District. Muzaffarpur.****Revisionist****Vs****1. The State of Bihar****O.P./ Ist party****2. Ranjan Kumar****S/o late Arun Kumar Singh****R/o village-Harlochanpur Sukki****P.S. Sukki, District-Vaishali****O.P./ 2nd Party****For the petitioner: Sri Sumit Kumar, Advocate.****For the O.P. No.1 : Sri Ajay Kumar P.P.****For the O.P. No.2 : Sri Dharmendra, Advocate.****ORDER**
24.07.2026

<i>Date of order</i>	<i>Order with initials of the Judge.</i>	<i>Remarks</i>
<u>24.07.2026</u>	1. The record is placed for order. The revisionist Sumit Kumar has preferred this revision being aggrieved and dissatisfied with the order dated 11.11.2025, passed in Complaint Case No.1358/2025, by Sri Mani Shankar Mani, J.M. Ist. Class, Muzaffarpur, whereby and whereunder, the learned Magistrate has dismissed the complaint petition u/s 226 of B.N.S.S. The revisionist has sought to invoke section 438 and 440 of the	

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or implied, which he has made touching the discharge of such trust, or willfully suffers any other person so to do, commits “criminal breach of trust”.

7. **Section 338 BNS as defined in the Code reads as,**
“whoever forges a document which purports to be a valuation security or a will, or an authority to adopt a son, which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”.

8. On perusal of records, it is apparent that the ingredients of offence punishable under Section 318(4) BNS and 338 BNS are prima facie not made out. For the offence of cheating to be made out, it must be shown that the intention to cheat was from the very beginning, which is not the case herein. Had it been so, the accused would not have paid back Rs. 25,000/- to the complainant. As for the offence of forgery, there is nothing on record to bring out the ingredients of the offence punishable u/s 338 BNS. charge of forgery.

9. Now, coming to the offence of criminal breach of trust, it is not the case of the complainant that the accused has dishonestly misappropriated his property or converted to his own use. It is an admitted fact that being friends, the complainant gave the amount to the accused for carrying out his business and he did return some amount. So, this provision also does not seem to be attracted.

10. On perusal of the record, it is reflected that the learned trial court finding no prima facie case and sufficient material to proceed further, dismissed the complaint petition under

<u>Contd.</u> <u>24.07.2026</u>	Section 226 of B.N.S.S. In light of the above discussion, this Court finds no occasion to interfere with the impugned order dated 23.08.2024, passed in Sahebganj P.S.Case No.542/2021, by the learned Court of Judicial Magistrate-1st Class, Court No.04 (West), Muzaffarpur. 11. Accordingly, the present revision petition is dismissed, as this Court does not find any illegality/irregularity with the impugned order dated 11.11.2025, passed in Complaint Case No.1358/2025, by Sri Mani Shankar Mani, J.M. Ist. Class, Muzaffarpur. Copy of the present order be sent to Ld. Trial Court for information and compliance. TCR be also sent back forthwith. File be consigned to Record Room after due compliance, if any. sd/- (Shweta Kumari Singh) Principal District and Sessions Judge, Muzaffarpur. 24.07.2026	
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