

In the court of the Judicial Magistrate, Jamshedpur

Present: Adnan Aqueeb
JM, Jamshedpur.

Dated, Jamshedpur, the 31st day of October 2025.

District: East Singhbhum

Ref: G.R Case No.-2144 of 2012
Telco P.S. Case No. 146 of 2022

Informant	Vijay Singh
Represented by	Sri Anuj Kumar Xalxo, Ld. APP
Accused persons	(1) Manvinder Singh Bedi @ M.S. Bedi , aged about 57 years, s/o Darhsan Singh, R/o Holding No. 215, Zone No. 1, Birsanagar, P.S. Birsanagar, Town Jamshdpur, Dist. East Singhbhum.
Represented by	Mr. Kewal Krishna, Mr. G. Barat, Mr. Neelanjan Barat & others, Ld Advocates
Date of offence	01.09.2016 onwards
Date of FIR	16.10.2022
Date of Charge-sheet	29.11.2022
Date of framing charge/ substance	16.06.2023
Date of the Judgment	31.10.2025

Accused Details:

Rank of the Accu sed	Name of the Accused	Offences Substance with charged/	Whether acquitted or convicted	Period of detention already undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Manvinder Singh Bedi @ M.S. Bedi	406 of the IPC	Acquitted	N.A.

List of Witnesses Examined

A. Prosecution

Rank	Name	Nature of Evidence
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CNR No. JHJR03-019628-2022

PW 1	Laxmikant Patra	C.S. Witness
PW2	Rishabh Swarnakar	C.S. Witness
PW 3	Vijay Singh	Informant cum Witness

List of Prosecution /Defence/Court Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Ext. P1/PW3 to P1/4/PW3	Complaint Petition No. 2535 of 2021 bearing signature of Vijay Singh on each pages
2	Ext. P2 to P2/3/PW3	Original Petrol bill of August 2016 in four copies
3	Ext. P3 to P3/69/PW3	Carbon copy of 70 petrol bills of August 2016
4	Ext. P4 to P4/4/PW3	Original five petrol bills of September 2016
5	Ext. P5 to P5/71/PW3	72 bills in Carbon copy of September 2016
6	Ext. P6 to P6/1/PW3	2 Original petrol bill
7	Ext. P7 to P7/27/PW3	28 carbon copies of Petrol bills of 2016
8	Ext. P8 to P8/3/PW3	Self attested photo copy of Cash Book of September 2016
9	Ext. P9 to P9/1/PW3	Self attested photo copy of Cash Book of October 2016

J U D G M E N T

1. The above named accused person is facing trial in connection with G.R. Case No. 2144 of 2022 corresponding to **Telco P.S. Case No. 146 of 2022** for the offences punishable under sections 406 of the IPC.
2. The prosecution case is based on the complainant filed by the complainant/informant Vijay Singh which was sent to P.S. under section 156(3) Cr.P.C. for registration of the FIR is that he is the Manager of Prominent business Firm at Jamshedpur runs under the Name and Style of

Red Carpet Service Station for supply of Petrol, diesel oil etc. Accused/petitioner is the regular customer of the complainant and a accused used to take diesel from the petrol pump of the complainant on credit. On the basis of prolonged relation, accused has taken diesel from the petrol pump of the complainant on credit and assured that credit amount will be repaid as soon as possible. Intermittently the complainant submitted the bill for supply of diesel to the accused and asked for the payment of outstanding amount of Rs. 5,97,902/- which is due from 01.09.2016 to 30.09.2016. The entire bills for payment are duly received by the accused and his staff, Akshay Kumar and assured that outstanding amount will be paid at earliest. The Complainant started chasing the accused for the payment of the bill but all the times the accused assured that outstanding bill will be paid after calculation. When the complainant put pressure upon the accused, the accused discontinued the relation with him. The complainant tried his best to contact the accused over mobile phone but the accused did not respond to the complainant. It is further alleged by the complainant/ informant that when he sent his staff to the residence of the accused to recover the outstanding amount, the accused became furious and used filthy language to his staff. Complainant called the accused there then accused persons rebuked him in abusive language and threatened dire consequence and flatly refused to make payment of outstanding. That's the reason for filing of the case.

3. Thereafter charge-sheet was submitted against the above named accused for the offences punishable under section 406 of the IPC. Further, **cognizance** was taken for the offences punishable under sections 406 of the IPC vide order dated **22.12.2022**.
4. The Charge has been framed for the offence punishable under sections 406 of the IPC vide order dated 16.06.2023 which were read over and explained to him in Hindi to which the aforesaid accused person pleaded not guilty and claimed to be tried.

5. In this case all the process i.e. summons, bailable warrant, and letter to SSP were issued to procure the attendance of witnesses. In spite of that altogether three witnesses have been examined on behalf of prosecution. After giving last chance to the prosecution evidence was closed.
6. During trial, altogether three witnesses have been examined on behalf of the prosecution, as P.W.-1 namely Laxmikant Patra, P.W.-2 namely Rishabh Swarnakar and P.W. 3 Vijay Singh they have examined cross-examined and discharged.
7. After closer of prosecution evidence the statement of above named accused person recorded on 16.09.2025 u/s 313 of Cr.P.C wherein he denied all the allegations leveled against him, and pleaded their innocence.
8. Now, the only question for adjudication before this court is to see as to whether the prosecution has succeeded to prove the charges against the above accused beyond all reasonable doubts or not?

F I N D I N G S

Prosecution Evidence

9. P.W. 1 in examination in chief stated that this case was filed by Vijay Singh against Manvinder Singh. The incident was of duration of year 2016 to 2021. At that time he was manager of Red Carpet Service Station Telco. The owner of the petrol pump is Vijay Singh. During this duration Manvinder Singh had taken diesel and petrol and on sometime he does the transaction on cash and gradually it developed into debt of Rs 5,97,902. Thereafter he adopted doing dilly-dallying technique and later on he denied. Thereafter a case was filed by Petrol pump owner viz. Vijay Singh. He claim to identify the accused persons.

In cross-examination he deposed that what was written in this case he has no knowledge. He has got receipts. On seeing the receipts he identified the signature of Manvinder Singh and Manager Akash Singh. How many liters were given he could not tell and in which vehicle. He could not tell event the phone number from which the money was asked.

10. P.W. 2 in examination in chief stated that this case was filed by Vijay Singh against Manvinder Singh. The incident was of duration 2016 to 2021. He is manager. During this duration Haricharan had taken diesel and petrol & it total debt of Rs 5,97,902. When the money was asked he threatened them. Thereafter he adopted doing dilly- dallying technique and later on he denied. Thereafter a case was filed by Vijay Singh. He claim to identify the accused person.

In cross-examination he deposed that he does not have personnel knowledge of the incident. He came to know about the incident from the office staffs. Vijay Singh went to the Thana where he was told that the matter was relating to debt and Civil Dispute, so go to the court.

11. P.W. 3 in examination in chief stated that he has filed this case against Manvinder Singh Bedi. He has a petrol pump in the name of Red Carpet Service Station. Manvinder Singh used to take petrol and diesel from his petrol pump. Whenever he took petrol he used to give money. Thereafter since August 2016 he had taken petrol and diesel for 03-04 months which resulted in total debt of Rs 5,97,902/-. When he asked for the money then he came at petrol pump and misbehaved with the staffs. Thereafter matter was reported to Thana and complaint was filed in the court. He can identify his signature on the complaint petition which consists of 05 pages which was marked as P1 – P1/4 / PW3. Today the receipts of months of August, September and October 2016 were submitted. August bills are of 4 copies which was marked as P2- P2/3 (with objection) and Carbon copies of these 70 bills were marked as P3- P3/69 (with objection). September bills are of 05 copies which was marked as P4- P4/4 (with objection) and Carbon copies of these 72 bills were marked as P5- P5/71 (with objection). October bills are of 2 copies which was marked as P6- P6/1 (with objection) and Carbon copies of these 28 bills were marked as P7- P7/27 (with objection). He has given self attested photocopies of cashbook of September 2016 to the police. He could identify this signature on it which is of 4 pages which was marked as P8- P8/3 / PW3. He has given self attested photocopies of cashbook of October 2016 to the police. He could identify this signature on it which is of 2 pages which was marked as P9- P9/1 /PW3. He claimed to identify the accused person upon seeing.

In cross-examination he has deposed that he is graduate. He has no authorization letter from the owner to file this case. There is no mentioning of vehicles details in the complaint petition in which diesel or petrol was supplied. All the bills does not have signature of him as well as of the staff. In exhibits, Manvinder Singh's signature as well as signature of the staffs is not there. No agreement of the transaction were ever made.

ARGUMENTS

12. Referring to relevant paragraphs of cross examination Ld. counsel on behalf of defence has argued that altogether three witnesses have been examined in this case and the matter relates to civil dispute of payment. No ingredients of Section 406 was attracted in this case. Hence, the accused deserves to be acquitted from the accusations leveled against him.

13. Ld. APP also conceded the arguments placed by the defence.

14. Having heard the parties at length, and also after scrutinizing the entire evidence this board finds that altogether three witnesses have been examined in this case I.O. was not examined in this case. P.W. 1 stated that the incident was of duration of year 2016 to 2021. At that time he was manager of Red Carpet Service Station, Telco. The owner of the petrol pump is Vijay Singh. During this duration Manvinder Singh had taken diesel and petrol and on sometime he does the transaction on cash and gradually it developed into debt of Rs 5,97,902. Thereafter he adopted doing dilly- dallying technique and later on he denied. Thereafter a case was filed by Petrol pump owner viz. Vijay Singh. He claim to identify the accused persons. In cross-examination he deposed that what was written in this case he has no knowledge. He has got receipts. On seeing the receipts he identified the signature of Manvinder Singh and Manager Akash Singh. How many liters were given he could not tell and in which vehicle. He could not tell event the phone number from which the money was asked. P.W. 2 stated that he is the manager of petrol pump. During this duration, accused had taken diesel and petrol & it total debt of Rs 5,97,902. When the money was asked he threatened them. Thereafter he adopted doing dilly - dallying technique and later on he denied. Thereafter a case was filed by Vijay Singh. He claim to identify the accused person.

In cross-examination he deposed that he does not have personnel knowledge of the incident. He came to know about the incident from the office staffs. Vijay Singh went to the Thana where he was told that the matter was relating to debt and Civil Dispute, so go to the court. P.W. 3 in examination in chief stated that he has filed this case against Manvinder Singh Bedi. He has a petrol pump in the name of Red Carpet Service Station. Manvinder Singh used to take petrol and diesel from his petrol pump. Whenever he took petrol he used to give money. Thereafter since August 2016 he had taken petrol and diesel for 03-04 months which resulted in total debt of Rs 5,97,902/-. When he asked for the money then he came at petrol pump and misbehaved with the staffs. Thereafter matter was reported to Thana and complaint was filed in the court. He can identify his signature on the complaint petition which consists of 05 pages which was marked as P1 – P1/4 / PW3. Today the receipts of months of August, September and October 2016 were submitted. August bills are of 4 copies which was marked as P2- P2/3 (with objection) and Carbon copies of these 70 bills were marked as P3- P3/69 (with objection). September bills are of 05 copies which was marked as P4- P4/4 (with objection) and Carbon copies of these 72 bills were marked as P5- P5/71 (with objection). October bills are of 2 copies which was marked as P6- P6/1 (with objection) and Carbon copies of these 28 bills were marked as P7- P7/27 (with objection). He has given self attested photocopies of cashbook of September 2016 to the police. He could identify this signature on it which is of 4 pages which was marked as P8- P8/3 /PW3. He has given self attested photocopies of cashbook of October 2016 to the police. He could identify this signature on it which is of 2 pages which was marked as P9- P9/1 /PW3. He claimed to identify the accused person upon seeing. In cross-examination he has deposed that he is graduate. He has no authorization letter from the owner to file this case. There is no mentioning of vehicles details in the complaint petition in which diesel or petrol was supplied. All the bills does not have signature of him as well as of the staff. In exhibits, Manvinder Singh's signature as well as signature of the staffs is not there. No agreement of the transaction were ever made. On Analysing evidences of all the witnesses who were examined it is crystal clear that the dispute relates to payment of bills of petrol & diesel which was supplied to the accused person as alleged. In order to constitute a **Criminal Breach of**

Trust under Section 406 of IPC: 1. There must be entrustment with person for property or dominion over the property, and 2) The person entrusted: – a) dishonestly misappropriated or converted property to his own use, or b) dishonestly used or disposed of the property or willfully suffers any other person so to do in violation of: i. any direction of law prescribing the method in which the trust is discharged; or ii. legal contract touching the discharge of trust. For Section 405 of the IPC to be attracted, the following have to be established: (a) the accused was entrusted with dominion over property; (b) the accused had dishonestly misappropriated or converted to their own use that property, or (c) dishonestly used or disposal should be in violation of any direction of law prescribing the mode in which such trust is to be discharged, or (d) of any legal contract which the person has made, touching the discharge of such trust. Section 406 of the IPC prescribes punishment for breach of trust which may extend to three years or with fine or with both, when ingredients of Section 405 of the IPC are satisfied. For Section 406 of the IPC to get attracted, there must be criminal breach of trust in terms of Section 405 of the IPC. However, in the instant case, materials on record fail to satisfy the ingredients of Section 405 of the IPC. The complaint does not directly refer to the ingredients of Section 405 of the IPC and does not state how and in what manner, on facts, the requirements are satisfied. A mere wrong demand or claim would not meet the conditions specified by Section 405 of the IPC in the absence of evidence to establish entrustment, dishonest misappropriation, conversion, use or disposal, which action should be in violation of any direction of law, or legal contract touching the discharge of trust. In the absence of factual allegations which satisfy the ingredients of the offence under Section 405 of the IPC, a mere dispute on monetary demand, does not attract criminal prosecution under Section 406 of the I.P.C. In *Delhi Race Club (1940) Ltd. v. State of U.P.*, (2024) 10 SCC 690 Hon'ble Apex Court observed that the case was plain and simple and it was alleged that the price of the goods sold by him were not paid. The Court explained that once there is a sale, Section 406 of the IPC goes out of picture. Now in this instant case diesel & petrol were sold by the petrol pump the bills of which were not paid. As there is only sale and purchase so there is no entrustment of the property, Section 406 I.P.C. not attracted. Hence, the accused deserves to be acquitted from the accusations leveled against him.

15. The prosecution has miserably failed to prove its case for the offence punishable under sections 406 of the IPC against the accused person namely Manvinder Singh Bedi is hereby **not held** guilty for the offence punishable under sections 406 of the IPC accordingly, the accused persons namely Manvinder Singh Bedi is acquitted from the charges leveled against him under sections under sections 406 of the IPC. The bailors are discharged from liabilities of Bail Bonds.

16. O/C is directed to deposit the case record to DRR after all due formalities

(Dictated)

Pronounced in open court.

sd/-

sd/-

(Adnan Aqueeb)

(Adnan Aqueeb)

JM, Jamshedpur.

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