IN THE COURT OF JUDICIAL MAGISTRATE IST CLASS, NAKODAR
(PRESIDED OVER BY SH. TARUNPREET SINGH)
(UID No.PB0498)

Case Details	
CIS No.	COMI/20/2023
CNR No.	PBJLA10007582023
Date of Institution	15.05.2023
Date of Decision	17.07.2026

State Bank of India, a body corporate constituted under the State Bank of India Act, 1955 (Act XXII of 1955) with the central office at Madam Cama Road, Nariman Point Mumbai and Local Head Office at Sector 17 Chandigarh, and it has its branches all over the country and one of such is located at Lohian Khas, Tehsil Shahkot District Jalandhar through Satinderjit Singh presently posted Manager & Principal Officer of the Complainant bank of the Complainant bank.

-------Complainant.

VERSUS

1. Sukhchain Singh son of Balwinder Singh
2. Paramjit Kaur wife of Balwinder Singh
   -both r/o Ward No.1, Lohian Khas, Tehsil Shahkot, District Jalandhar.

--------Accused.

Application under Section 156 (3) CrPC for registering the FIR but the same is converted to private complaint vide order dated 15.05.2023.

Present: Complainant with counsel Sh. Ashok Kumar Mittal, Advocate.

Order:

1. Heard upon point of summoning the accused namely Sukhchain Singh and Paramjit Kaur to face trial U/s 420 IPC.

2. Briefly stated, the facts of the present case are that accused no.1 and 2 approached the complainant Bank vide their request letter dated 12.08.2016 for sanction of house loan of Rs.6,50,000/- and their request was considered and as per request of accused no.1 and 2, they were sanctioned and advanced Housing loan of Rs.6,50,000/- on 23.08.2016 for construction of house and they executed various loan documents in favour of complainant bank to secure the loan. As per Arrangement Letter and other loan documents dated 23.08.2016 executed by both borrowers they undertook to utilize entire loan amount for construction of House over property/plot measuring 10 marlas 4 Sarsai situated in area of Village Lohian Khas, Tehsil Shahkot. The said plot is mortgaged security for entire loan and charge is noted in revenue records as per Rapat Entry no 483 dated 22-08-2016. Besides mortgage said accused executed various loan documents undertakings etc where by the accused was advised all the terms and conditions regarding the said loan facility and the said accused confirmed the due performance of all those stipulated terms and conditions. The said accused jointly availed entire loan amount of Rs.6,50,000/- as housing loan from complainant Bank. But said accused intentionally did not utilize the loan amount in construction of house rather they jointly mis-utilized the loan funds for their personal use and benefits in a fraudulent way and manner. The full amount of loan was disbursed but house is constructed partially constructed as latest valuation report dated 25.05.2021. As valuation report said both accused spent only approximately Rs.1 Lakh in construction of house. The account has turned N.P.A on 16.06.2021. The said accused misappropriated the loan funds for their personal use and as such committed fraud with Bank. The said accused has failed to repay the said loan as per agreed repayment schedule inspite of repeated request and reminders. Now by including interest and charges sum of Rs.9,49,578/- as on 10.10.2022 are standing due in this loan account which is payable by both accused. The complainant Bank when came to know about the above noted criminal activity of both the accused and made a written complaint on 15.10.2022 to S.S.P Rural Jalandhar through registered cover for registration of F.I.R. against both accused for misappropriation of Public money. Said complaint was marked to Office of D.S.P Shahkot concerned vide dairy no 4014/PTM dated 01.11.2022. On same date i.e. on 15.10.2022 one complaint was also directly made to S.H.O Lohian Khas through registered post. But so for no action is initiated by said offices. Reminder was also written on 05.12.2022 by registered post to office of D.S.P. Shahkot. But so for no FIR is registered nor any intimation to complainant Bank form the concerned police offices is received by the complainant Bank. The police failed to register FIR against the accused as per offences committed by the accused persons and as the offences are cognizable, it is just proper case, hence, the present complaint is filed by the complainant for summoning of the accused persons under Sections 406 and 420 of IPC.

3. In order to support its version, in preliminary evidence, complainant **Satinderjit Singh** examined himself as **CW-1** and deposed on the similar lines of the complaint. He proved on record documents i.e.

Arrangement Letter as **Ex.C1**, Memorandum of Loan Agreement as **Ex.C2,** Valuation Report as **Ex.C3,** Statement of Account as **Ex.C4,** Letter to SSP as **Ex.C5,** Postal receipts as **Ex.C6.**

Thereafter, counsel for complainant closed preliminary evidence on 17.07.2026.

4. Learned counsel for the complainant argued that there are sufficient grounds to proceed against the accused persons. Prayer has been made to summon the accused persons to face trial in this case.

5. I have heard the submissions put forth by the learned counsel for complainant and have gone through the evidence of complainant and the other material available on record along with the legal proposition involved in the present case.

6. The applicant/complainant sought summoning of both the accused to stand trial for committing offence of cheating and criminal breach of trust on the allegations that the amount availed by accused from the complainant as house loan has been misused for some other purpose. In support of allegations, Satinderjit Singh (CW1) has been examined who categorically deposed that house loan was applied by both the accused, subject to the condition that the amount will be utilized for the purpose detailed in loan application Ex.C1, however, upon inspection of the site an amount of Rs.1,00,000/- instead of Rs.6,50,000/- only has been found used for construction. The allegations leveled by complainant against the accused are well founded and sufficient ground to summon both the accused for cheating the complainant is available on record, therefore, both the accused are summoned to face trial of offence under Section 420 IPC. The loan amount was not entrusted to accused but given for utilization, therefore, offence under Section 406 IPC is not attracted. Accordingly, both the accused are summoned to face trial for the offence punishable under Sections 420 and 120-B of IPC on filing of copies of complaint/PF/DM within five days.

Note: Certified that all the **5** pages of this order are signed by me, which have been dictated and typed directly on computer.

Pronounced in open court :
Dated: 17.07.2026
Ankush
Stenographer Gr. III

(Tarunpreet Singh PCS)
Judicial Magistrate Ist Class,
Nakodar. (UID No. PB0498)