

E- Content No. 09 Law of Crimes II Sem 2

Dated 10.04.2020

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Criminal Breach of Trust as an offense has been defined under section 405 IPC

Unlike the offense of Criminal Misappropriation this offense relates to any property. Following are the essential ingredients of Criminal Breach of Trust.

1. Property in any manner has been entrusted to the offender by other person. Or
2. The offender has dominion over the property
3. The offender with dishonest intention misappropriates or converts to his own use such property which has been entrusted to him or he is having dominion over such property.
4. Or the offender dishonestly disposes of such property in violation of any direction of law, or of any legal contract.

Application of this provision has been made subject to two explanations.

1. A person being employer deducts provident from the wages of employees under the law shall be deemed to have entrusted with the contribution of such employees.
2. A person being employer who deducts from wages of employees premium towards employees insurance will be said to be having entrusted with such contribution.

For example a cashier of any bank has been entrusted with bank money of its customers if misappropriates such money even for a span of time will liable for Criminal Breach of Trust.

Stay safe n take care