

### **Difference Between Criminal Misappropriation & Criminal Breach of Trust**

The Offences of Criminal Misappropriation and Criminal Breach of Trust are given under the head of crime against property in IPC.

Section 403, IPC defines Dishonest misappropriation of property as, “Whoever dishonestly mis-appropriates or converts to his own use any movable property.”

Whereas, Section 405,IPC defines Criminal breach of trust as, “Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits “criminal breach of trust.”

<b><u>Basis of Difference</u></b>	<b><u>Criminal Misappropriation</u></b>	<b><u>Criminal Breach of Trust</u></b>
Provision under IPC,1860	Offence of criminal misappropriation is defined under section 403 of Indian Penal Code, 1860	Offence of Criminal Breach of Trust is defined under section 405 of Indian Penal Code,1860
Relationship	In misappropriation, there is no contractual relationship	But in Criminal Breach of Trust, there is a contractual relationship of the offender regarding the property.
Possession	In misappropriation, the property is obtained by some casualty or otherwise.	In criminal breach of trust, the property is obtained due to the trust vested by the owner on the offender.
Misappropriation	The property is misappropriated by the offender for his own use.	In criminal breach of trust, the property is misappropriated for his own personal use. A breach of trust includes criminal misappropriation, but the converse is not always true.
Nature of Property	In, Criminal misappropriation the property is always movable in nature.	Whereas, in criminal breach of trust, the nature of property can either be movable or immovable
Punishment	Offence of Criminal Misappropriation is punishable with imprisonment of either description for a term which may extent to 2 years or with fine, or with both (Sec.403,IPC)	Offence of Criminal Breach of Trust is punishable with imprisonment of either description for a term which may extent to 2 years or with fine, or with both (Sec.406,IPC)

In the case of *Badsudeb Patra v. K.L. Haldar* (32 C.W.N. 641), Where the accused got a loan of certain ornaments from the complainant for use on an occasion on the understanding that they should be returned after the purpose was served and the accused failed to return them, it was held that the accused was guilty under Sec. 406 and not Sec. 403 of Indian Penal Code, 1860.

References:-

1. K.D. Gaur, Indian Penal Code.
2. PSA Pillai, Criminal Law
3. Ratan Lal & Dhira Lal, The Indian Penal Code