

CASE LAW UPDATES

Case Brief : Ramkrushna Prahlad Dongardive v. State of Maharashtra, 2026 INSC 1099 (reportable)

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Case Brief on Ramkrushna Prahlad Dongardive v. State of Maharashtra, 2026 INSC 1099 (reportable) is a significant Supreme Court judgment reinforcing **that for a conviction under Section 409 of the Indian Penal Code (IPC), the prosecution must conclusively prove both the entrustment of property and a dishonest intention to misappropriate it.**

The Court clarified that the burden of proving guilt beyond reasonable doubt never shifts to the accused, and an appellate court cannot overturn an acquittal without carefully addressing the trial court's structural findings.

Facts

The appellant was a Cashier-cum-Counter Clerk in the Telephone Department at Aurangabad. The prosecution said that between July and October 1993 he collected ₹8,73,737 in telephone charges. Of this, ₹3,88,035 was credited late to the Government account and ₹4,75,702 was never credited.

A case was registered, but the charge was framed only under Section [409 IPC \(now Section 316\(5\) BNS\)](#).

The trial court acquitted him in 2002. It found the evidence vague and general, and noted that *the seizure procedure under [Section 100\(7\) CrPC](#) was not followed for 46 articles taken from his house.*

The Bombay High Court reversed the acquittal in 2017 and sentenced him to one year's rigorous imprisonment and a fine of ₹5,000. He appealed to the Supreme Court.

Arguments

Appellant: The High Court ignored the settled limits on reversing an acquittal and substituted its view merely because another view was possible. **Entrustment and dishonest intention were not proved.**

The prosecution did not produce the departmental records despite being ordered to, so an adverse inference was rightly drawn. **The High Court also wrongly shifted the burden of proof onto him.**

State of Maharashtra: Entrustment of ₹8,73,737 was established. The trial court did not properly consider the notice to the appellant (Exhibit 7), the receipt books (Exhibit 8), the list of credits (Exhibit 9) and the handwriting expert's opinion. **His conduct pointed to dishonest intention, and all ingredients of Section 409 were proved.**

Issues

- Whether the **prosecution proved entrustment, misappropriation and dishonest intention for an offence under Section 409 IPC.**
- Whether the **High Court was justified in reversing the trial court's acquittal.**

Judgment

The Court held that the **prosecution failed to prove entrustment.** The Investigating Officer admitted that the cashbook, daily register, audit report and related records were not produced despite his requests.

Without them, entrustment of the cash to the appellant could not be established. The trial court was right to draw an *adverse inference against the Telephone Department for withholding documents in its custody.*

The seizure of the 46 articles was also not proved. Both panch witnesses turned hostile, and **Sections 100(4) and 100(7) CrPC were not followed.** The Court said *that non-compliance with Section 100 is only an irregularity and does not by itself vitiate a seizure.* However, together with the other doubts, it weighed in the appellant's favour. Exhibit 9 had nothing to connect it to the appellant.

The Court added two more defects in the High Court's judgment. It sentenced the appellant without hearing him on sentence after reversing the acquittal, and **it wrongly placed the burden on him to explain the seized documents**. The High Court judgment was set aside, the acquittal restored, and the bail bonds cancelled.

Ratio Decidendi

Entrustment of property is a basic ingredient of criminal breach of trust, and the prosecution must prove it, along with misappropriation and dishonest intention

If the prosecution withholds the key records that would prove entrustment, **an adverse inference can be drawn against it**. An appellate court reversing an acquittal must respect the trial court's view on witnesses and the accused's benefit of doubt. If it convicts for the first time, it must hear the accused on sentence. **The onus on the prosecution never shifts to the accused.**