

LEGAL UPDATES

Thagi (छोटी चोरी) Mudda Procedure in Nepal

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Thagi (छोटी चोरी) is a criminal offence in Nepal involving dishonest deception, false assurance, misleading conduct, or other deceptive means through which a person causes another person loss or obtains an unlawful benefit for himself, herself, or another person. The principal statutory provision is **Section 249 of the Muluki Criminal Code, 2074 (National Penal Code, 2074)**. The same Chapter also regulates criminal breach of trust and **criminal benefit (extortion)**.

A cheating case in Nepal is generally initiated through a **jaheri darakhast (first information/complaint)** at the appropriate police office. The police investigate the allegations and evidence, prepare an investigation report, and forward the case file to the government attorney where prosecution is warranted. The government attorney may then file an **abhi yogpatra (charge sheet)** before the competent court. The accused may seek release on bail or deposit depending on the statutory circumstances, while the court ultimately determines guilt after considering evidence and arguments.

This article explains the meaning of **Thagi Mudda in Nepal**, legal requirements, punishment, limitation, evidence, complaint procedure, police investigation, court proceedings, bail, compensation, appeal and the distinction between cheating, breach of trust, civil dispute and extortion. [Adalat Lawyers in Nepal](#).

What is Thagi (छोटी चोरी) under Nepali Law?

Section 249(2) of the [Muluki Criminal Code, 2074](#) provides the statutory definition of cheating. A person commits छोटी चोरी where that person makes another person believe something and does not act accordingly, or deceives, tricks or otherwise misleads the person and thereby causes dishonest loss, damage or injury to that person or another person, or obtains a benefit for himself, herself or another person.

The provision therefore focuses on **deception and dishonest conduct** rather than merely on the existence of an unpaid debt or failed transaction. A person who receives money under a genuine agreement but later experiences a legitimate inability to perform does not automatically commit cheating. The prosecution must establish the conduct prohibited by Section 249, including the relevant deceptive conduct and the resulting loss or benefit. The factual circumstances, communications, agreements, payment records and conduct of the parties determine whether a dispute

amounts to a criminal cheating offence or remains a civil or contractual dispute.

Meaning of Cheating, Fraud and Deception

In ordinary legal usage, cheating involves deliberately creating a false impression so that another person acts, or refrains from acting, in a manner that results in loss or gives the wrongdoer a benefit. The deception may arise through words, documents, representations, conduct or other circumstances. Under Section 249, the statutory language includes giving assurance and failing to act according to that assurance, as well as inducing or misleading another person by other deceptive means.

The existence of a false statement alone does not resolve every cheating case. The court examines whether the representation or conduct was dishonest and whether it caused the prohibited result contemplated by Section 249. A criminal prosecution therefore requires more than showing that money remains unpaid. The complainant should establish how the accused induced the payment or other act, what representation was made, why that representation was false or deceptive, what the complainant did because of it, and what loss or unlawful benefit resulted.

Legal Provision for Thagi Mudda in Nepal

The main law is **Section 249 of the Muluki Criminal Code, 2074**. Section 249(1) prohibits committing or causing another person to commit cheating. Section 249(2) explains when conduct amounts to cheating. The law covers deception involving assurances, inducement, misleading conduct and other deceptive methods that cause dishonest loss or produce a benefit.

Section 249 also contains different punishments depending on the nature of the cheating. Cheating the Government of Nepal or an institution fully or substantially owned or controlled by the Government, except where the conduct constitutes corruption, may result in imprisonment of up to ten years and a fine of up to Rs. 100,000. Cheating by falsely representing one's name, designation, position or qualification may result in imprisonment of up to five years and a fine of up to Rs. 50,000. Other forms of cheating may result in imprisonment of up to seven years and a fine of up to Rs. 70,000.

Essential Elements of a Cheating Case

A successful **Thagi Mudda** normally depends on proving the facts constituting the statutory offence. The prosecution must connect the accused's conduct with the complainant's loss or the benefit obtained by the accused or another person. The court assesses the complete circumstances rather than considering an isolated statement or transaction.

The principal elements include:

- A person made a representation, assurance or otherwise engaged in deceptive conduct.
- The conduct induced or misled another person.
- The accused acted dishonestly.
- The complainant or another person acted or refrained from acting because of the deception.
- Loss, damage or injury resulted, or a benefit was obtained.
- The necessary connection exists between the deceptive conduct and the resulting loss or benefit.
- The evidence sufficiently connects the accused with the alleged conduct.

Section 249(2) expressly recognizes assurance, inducement, misleading conduct and other forms of deception.

Cheating Through False Assurance

A false assurance can constitute cheating where the statutory requirements are satisfied. Section 249(2) specifically refers to a person inducing another to believe something but not acting according to that assurance. This may arise in transactions involving property, investment, employment, supply of goods, services or other dealings.

However, not every broken promise is automatically ☐. The surrounding facts matter. For example, where a person genuinely intended to perform a contract but later could not perform because of circumstances that arose after the agreement, the matter may involve contractual liability rather than criminal cheating. Conversely, if evidence shows that the accused made a representation without a genuine basis, obtained money because of that representation and caused the complainant loss, Section 249 may become applicable. Lawyers therefore examine the circumstances existing when the money or property was obtained, the communications between the parties, and the accused's subsequent conduct.

Cheating Through Conduct

Deception does not necessarily require an express verbal lie. Section 249 covers being deceived or misled "in any other manner," which allows the factual circumstances and conduct of the accused to be examined.

Conduct may create a false impression when the accused intentionally behaves in a manner that causes another person to believe a fact that is untrue and then uses that belief to obtain a benefit or cause loss. In a Thagi Mudda, evidence of conduct can therefore be relevant even where there is no single written statement admitting the deception. The court may consider the entire transaction, communications, documents, representations, payment arrangements and surrounding circumstances. The prosecution still has to establish the offence to the applicable criminal standard;

suspicion or a mere unsuccessful transaction is not itself proof of cheating.

Cheating by Silence or Non-Disclosure

Silence does not automatically amount to cheating. The legal question is whether the accused's omission formed part of deceptive conduct covered by Section 249 and whether it caused the statutory result. Where a person has made a representation that creates a particular understanding and deliberately conceals a material fact in a manner that misleads the other party, the circumstances may support a cheating allegation.

The complainant should therefore identify the specific information that was concealed, explain why the accused was under circumstances requiring disclosure or why the omission was deceptive, and show how the omission caused the complainant to act or suffer loss. The court considers evidence rather than assuming that every failure to disclose information constitutes a criminal offence. The statutory wording of Section 249 remains the starting point for determining liability.

Difference Between Thagi and Civil Transaction

One of the most frequently disputed issues in Nepal is whether a failed financial transaction constitutes **Thagi Mudda** or a civil dispute. A person does not commit cheating merely because a loan, sale, service agreement or other financial obligation remains unpaid. Criminal liability requires conduct falling within Section 249.

A civil dispute may arise where parties genuinely entered into an agreement but later disagree about performance, payment, quality, delivery, interpretation or damages. A criminal case becomes more appropriate where the evidence indicates that deception was used to induce the transaction and the accused thereby caused dishonest loss or obtained a benefit.

Courts therefore examine the substance of the transaction instead of relying only on the label used by the complainant. A lawyer should identify the precise deceptive act and its connection with the loss before filing a Thagi complaint.

Punishment for Thagi in Nepal

Section 249(3) prescribes different punishments according to the nature of the cheating. The maximum punishment for cheating the Government of Nepal or a qualifying government-controlled institution is **up to ten years' imprisonment and a fine up to Rs. 100,000**, except where the conduct falls within corruption law. Cheating by falsely representing one's name, rank, position or qualification carries **up to five years' imprisonment and a fine up to Rs. 50,000**. Other cheating offences carry **up to seven years' imprisonment and a fine up to Rs. 70,000**.

Section 249(4) provides an additional punishment of up to one year imprisonment where the victim is a child, a person not mentally capable of understanding, a helpless person, an illiterate person or a person above 75 years of age. The applicable punishment depends on the precise facts and statutory category established in the case.

Limitation or Hadmayaad for Thagi Mudda

The limitation period is a major issue in a **Thagi case in Nepal**. Section 255 of the Muluki Criminal Code, 2074 provides that a complaint for offences under Chapter 21 cannot be filed after **one year from the date on which the commission of the offence becomes known**. The Chapter covers cheating, criminal breach of trust and criminal benefit (extortion).

The complainant should therefore establish when the offence became known and preserve evidence concerning that date. Delay can create a limitation objection. Because limitation depends on the statutory wording and facts, parties should not assume that the date of the original transaction automatically determines the limitation period. A lawyer should examine when the relevant offence became known and whether any special statutory provision affects the calculation.

How to File a Thagi Mudda in Nepal

The ordinary starting point is a complaint or information to the police. Section 4 of the Muluki Criminal Procedure Code, 2074 requires information concerning offences covered by the relevant Schedule to be provided to the nearest police office as soon as possible, with available evidence and relevant details. The information may be written, oral or submitted through electronic means in accordance with the law.

The complaint should present the facts chronologically and avoid unsupported allegations. The statutory format under Schedule 5 requires details including the accused's identity where known, the place, date and time of the offence, circumstances of the incident, nature of the offence and available evidence.

Steps for Filing a Thagi Complaint

1. **Collect the transaction and communication evidence.** Preserve agreements, receipts, bank records, vouchers, messages, emails, photographs and other relevant materials.
2. **Prepare the jaheri darakhast.** State the facts, accused's details where known, transaction details, alleged deception, loss and supporting evidence.

3. **Submit the complaint to the appropriate police office.** Section 4 of the Criminal Procedure Code provides for giving information to the nearest police office in the prescribed manner.
4. **Police registration and investigation.** The police examine the complaint, collect evidence, record statements and undertake other lawful investigative activities.
5. **Investigation report.** After completing investigation, the investigation officer prepares a report explaining whether sufficient evidence exists to prosecute and forwards the case file and evidence to the concerned government attorney. Section 31 governs this process.
6. **Government attorney's decision.** Where sufficient evidence supports prosecution, the government attorney prepares the charge sheet in accordance with the Criminal Procedure Code.
7. **Filing of charge sheet.** Under Section 32, the government attorney files the charge sheet before the competent court when the statutory requirements for prosecution are satisfied.
8. **Court proceedings.** The court deals with the accused's appearance, bail or detention, evidence, witness examination, arguments and judgment according to criminal procedure.

Documents and Evidence Required for Thagi Mudda

Evidence is central to a cheating prosecution because the court must determine whether the alleged deception actually occurred and whether it produced the prohibited result. The complainant should preserve original records wherever possible and provide accurate copies when submitting the complaint.

Common documents and evidence may include:

- Citizenship or other identity documents of the complainant.
- Agreement, deed, receipt or transaction documents.
- Bank statements and deposit or transfer records.
- Cheques, vouchers and payment receipts.
- Messages, emails and other relevant electronic communications.
- Audio or video evidence where lawfully obtained and admissible.
- Property documents and registration records where property is involved.
- Witness details and statements.
- Business records, invoices and correspondence.
- Evidence showing the representation or assurance made by the accused.

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- Evidence establishing the resulting loss or benefit.

The prescribed complaint format itself requires the complainant to disclose evidence connected with the offence.

Police Investigation in a Thagi Case

After receiving information, the police conduct the criminal investigation according to the Criminal Procedure Code. The investigation may involve recording statements, collecting documentary evidence, examining electronic records, identifying witnesses and determining the role of the suspected person. The investigation must establish facts relevant to the offence rather than simply accepting the allegations in the complaint.

Under Section 31 of the Criminal Procedure Code, once investigation is completed, the investigation officer prepares an investigation report. Where sufficient evidence appears to exist for prosecution, the report identifies the applicable law and is sent with the case materials and exhibits to the government attorney. Where sufficient evidence is absent, the report records that position.

The government attorney then examines the investigation materials. Where the evidence supports prosecution, Section 32 provides for preparation and filing of the charge sheet before the competent court.

Role of Government Attorney in Thagi Mudda

A criminal Thagi Mudda is prosecuted by the State through the government attorney rather than as an ordinary private civil claim. After investigation, the police send the investigation file to the concerned government attorney where prosecution is required. The government attorney examines whether the evidence is sufficient to institute the criminal case.

Section 32 of the Muluki Criminal Procedure Code provides that where sufficient evidence exists to prosecute an offence under the relevant Schedule, the government attorney prepares the charge sheet and submits it to the competent court.

The complainant remains an important party and witness in the case, but the criminal prosecution is conducted according to the statutory criminal process. A private lawyer may assist and represent a party where legally permitted, but the government attorney's role in prosecuting a Nepal Government criminal case remains distinct.

Thagi Mudda at the District Court

After the charge sheet is filed, the case proceeds before the competent court. In an ordinary criminal case, the court considers the charge, the accused's response, preliminary custody or bail issues, evidence and witness testimony. The

court ultimately determines whether the prosecution has established the offence.

Because Section 249(3) allows imprisonment exceeding three years for most forms of cheating, the provisions concerning detention, bail and deposit under the Criminal Procedure Code may become relevant. Section 67 provides circumstances in which an accused may be detained for trial where the statutory conditions are satisfied, while Section 68 permits the court to order deposit, bail or bank guarantee in cases outside the mandatory detention circumstances specified in Section 67.

The court decides custody based on the statutory framework and facts of the particular case.

Bail, Dharauti and Detention in Thagi Mudda

Bail is not automatically granted or denied simply because a person has been accused of cheating. The court applies the Criminal Procedure Code. Section 67 addresses detention for trial in specified circumstances, including offences punishable by more than three years where the statutory requirements are met and there are reasonable grounds based on the available evidence.

Section 68 allows the court to take **dharauti, jamanat or bank guarantee** and keep an accused on date where the circumstances do not require detention under Section 67 and there is a reasonable basis concerning the accusation. If the required security is not provided, the accused may be detained.

A party dissatisfied with a detention or bail decision may seek relief from the appellate court in accordance with Section 73, subject to the statutory conditions.

Court Evidence and Trial Process

The trial focuses on whether the prosecution has established the elements of Section 249. The court may examine documentary evidence, witness testimony, electronic records and other admissible evidence. The complainant may be examined as a witness, while the accused has procedural rights under criminal law.

A Thagi case should therefore be supported by evidence that establishes the complete chain: what the accused represented or did, why it was deceptive, what the complainant believed or did because of it, what loss or benefit resulted, and how the accused participated.

The court does not determine criminal liability merely because a person owes money. The prosecution must establish the offence defined by law. This distinction is particularly relevant in cases involving loans, investments, property transactions, business agreements and advance payments.

Compensation and Recovery of Loss

Section 254 of the Muluki Criminal Code provides for compensation in offences under Chapter 21. Where the loss is established and the amount of the loss is determined, the offender may be required to pay the amount of the loss to the victim. Where the amount of the loss cannot be determined, reasonable compensation may be ordered.

This provision is relevant to a victim seeking recovery in a criminal cheating case. The complainant should therefore maintain evidence showing the actual financial loss, including payment records and documents establishing the value of the property or money involved. Criminal conviction and recovery of the loss are legally related but distinct questions. The court determines both according to the applicable law and evidence.

Can a Loan Default Become a Thagi Mudda?

A loan default does not automatically constitute cheating. The complainant must establish the elements of Section 249. If a borrower genuinely received a loan and later failed to repay because of financial difficulty, the dispute may be civil in nature depending on the circumstances. If the borrower used false identity, fabricated documents, false representations or another deceptive method to obtain the money, the facts may support a criminal allegation.

The decisive issue is therefore not simply whether repayment occurred. The circumstances surrounding the obtaining of the money, the representation made before or during the transaction, the accused's intention and the resulting loss must be examined. A lawyer should review the complete transaction before advising whether a **Thagi Mudda** is legally sustainable.

Thagi in Property and Land Transactions

Property transactions can produce both civil and criminal disputes. A person may allege cheating where money was obtained by falsely representing ownership, availability, authority, location, title or other material facts. However, a disagreement over title, contractual performance, registration or interpretation does not automatically establish Section 249.

Property-related Thagi cases require careful examination of land ownership records, registration documents, agreements, receipts, power of attorney documents, communications and the representations made by the parties. If the accused knowingly used a false representation to obtain money or another benefit and the statutory elements are established, criminal proceedings may be appropriate. Where the dispute concerns contractual rights without the required dishonest deception, the appropriate remedy may instead lie in civil proceedings.

Difference Between Thagi and Criminal Breach of Trust

The Muluki Criminal Code places **cheating, criminal breach of trust and criminal benefit (extortion)** in Chapter 21, but they are separate offences with different legal elements. Cheating under Section 249 generally concerns deception or misleading conduct that produces loss or benefit. Criminal breach of trust concerns dishonest conduct involving property or property entrusted to a person and must be assessed under the separate statutory provision.

This distinction matters because the same financial dispute may be described differently by the parties. A person should not assume that every dishonest financial act constitutes cheating. The facts must be matched with the statutory elements of the offence alleged. The applicable charge depends on the conduct proved by the evidence.

Criminal Benefit or Extortion under Section 253

Extortion, referred to in the Code as **criminal benefit (आपराधिक लाभ)**, is separately regulated by Section 253. Section 253(2) applies where a person puts another person in fear of causing damage and dishonestly obtains a benefit for himself, herself or another person, or causes the person to perform an act or prevents the person from performing an act with the intention of obtaining such benefit.

This differs from ordinary cheating because the statutory focus is on **fear of harm and obtaining criminal benefit**. Section 253(3) provides up to seven years' imprisonment and a fine up to Rs. 70,000 where the accused threatens death, grievous hurt or serious physical injury for the purpose of obtaining criminal benefit. Where the threat concerns unlawful damage to a person's business or false allegations against character, the punishment may extend to three years' imprisonment and a fine up to Rs. 30,000. Other cases may carry up to one year imprisonment and a fine up to Rs. 10,000.

Limitation for Extortion

Section 255 of the Muluki Criminal Code provides a **one-year limitation period** for offences under Chapter 21, calculated from the date on which the commission of the offence becomes known. The provision applies to the Chapter containing cheating, criminal breach of trust and criminal benefit.

A person alleging extortion should therefore act promptly after learning of the offence. Evidence concerning threats, communications, demands, payments and the circumstances producing the alleged criminal benefit should be preserved. The exact limitation calculation can depend on the facts, so the date of knowledge should be established carefully before filing the complaint.

Difference Between Thagi and Extortion

The main distinction is the method used to obtain the benefit. In **Thagi**, the accused uses deception, false assurance, inducement, misleading conduct or another deceptive method and thereby causes loss or obtains a benefit under Section 249. In **extortion or criminal benefit**, Section 253 focuses on obtaining benefit by placing a person in fear of damage or by causing or threatening such damage.

For example, obtaining money by falsely representing that a property exists may raise a cheating issue. Demanding money by threatening serious physical harm may instead fall under criminal benefit. The legal classification depends on the facts and evidence rather than the terminology used by the complainant.

Related Nepali Case Law on Cheating

Nepali case law has addressed transactions where money was obtained through false assurances or representations. The authorities cited in the materials supplied for this article include **HMG v. Kumar Bishwokarma, NKP 2045, p. 1015**, concerning an allegation that a woman was taken to Farbisganj through a false representation concerning her husband's alleged danger and money was obtained; **Udaya Lal v. HMG, NKP 2044, p. 990**, concerning money taken on an assurance to sell land at Magaragadi where the alleged land did not exist; and **Shakunti Warin v. Pryari Warin, NKP 2052, p. 966**, concerning a property registration and conditional-will dispute in which the circumstances did not result in the same criminal conclusion.

These authorities illustrate why courts examine the precise representation, transaction and circumstances rather than treating every disputed transaction as cheating. Case law should always be read with the statutory provision and the facts of the particular case.

Related Case on Criminal Benefit

The materials supplied also identify **HMG v. Lila Thapaliya, NKP 2046, p. 403**, in connection with obtaining money through false pretension and subsequently obtaining money through the use or display of a knife. The case is relevant to the distinction between a deceptive transaction and conduct involving force or threats.

The statutory framework now found in Section 253 expressly addresses criminal benefit obtained through fear of damage. The correct legal classification therefore depends on whether the evidence establishes the elements of Section 253 rather than merely the existence of a financial demand.

Common Reasons a Thagi Complaint May Face Difficulty

A cheating complaint may face difficulty when it does not identify a specific deceptive act or when the evidence shows only an unpaid debt. Other problems may arise when the complainant cannot establish the representation made by the accused, the connection between the representation and the payment, or the actual loss.

A complaint should avoid unsupported conclusions such as “the accused cheated me” without explaining how the alleged cheating occurred. The facts should identify the date, transaction, representation, payment, conduct and resulting loss. The limitation period should also be considered because Section 255 provides one year from knowledge of the offence for Chapter 21 offences.

What a Thagi Lawyer in Nepal Should Examine

A lawyer handling a **Thagi Mudda in Nepal** generally examines the transaction, statutory elements, limitation, evidence and appropriate procedural route. The lawyer should distinguish between criminal deception and ordinary contractual non-performance before recommending prosecution.

The review should cover:

- Whether the alleged conduct falls within Section 249.
- When the complainant became aware of the offence.
- Whether the complaint is within the Section 255 limitation period.
- The precise representation or deception.
- Evidence connecting the accused to the representation.
- Payment and financial records.
- Witnesses and electronic communications.
- The actual loss and recoverable amount.
- Whether another offence, such as criminal breach of trust or criminal benefit, is more appropriate.
- Whether a parallel civil remedy is required.

A factual and evidence-based assessment helps prevent incorrect classification of an ordinary commercial dispute as a criminal cheating case.

Rights of the Accused in a Thagi Mudda

An accused person is entitled to participate in the criminal process according to law and to challenge the prosecution evidence. The accused may contest the allegations, seek appropriate relief concerning detention or bail, cross-examine witnesses where permitted, present legally admissible evidence and make legal submissions through counsel.

Section 67 and Section 68 of the Criminal Procedure Code regulate detention and release on deposit, bail or bank guarantee. Section 73 provides a mechanism to approach the appellate court concerning detention or bail decisions in the circumstances specified by law.

The filing of a Thagi complaint does not itself establish guilt. The court must determine whether the prosecution has proved the offence according to the criminal trial process.

Appeal in a Thagi Mudda

A party dissatisfied with a criminal judgment may have a right of appeal under the Muluki Criminal Procedure Code. Section 134 provides that a party dissatisfied with a judgment or final order may appeal within the prescribed period. For a criminal case in which the Government is the plaintiff, the Code provides a **70-day** period from knowledge of the judgment, while other cases are subject to the statutory period stated in that section. The law may permit an extension of up to 30 days where the prescribed conditions are satisfied.

The appeal should identify the challenged findings and the legal or evidentiary grounds relied upon. Section 136 also specifies matters and documents required for an appeal, including the relevant judgment copy and other prescribed materials.

Practical Procedure for a Thagi Mudda in Nepal

The complete process can be summarized as follows:

1. **Incident and discovery of alleged cheating:** The complainant identifies the deceptive conduct and resulting loss.
2. **Evidence preservation:** Agreements, receipts, banking records, electronic communications and witness information are collected.
3. **Legal assessment:** The facts are examined under Section 249 and the limitation under Section 255.
4. **Jaheri filing:** The complaint is submitted to the appropriate police office with available evidence.
5. **Police investigation:** The investigating authority records statements and collects relevant evidence.
6. **Investigation report:** The completed investigation file is sent to the government attorney under Section 31.
7. **Prosecution decision:** If sufficient evidence exists, the government attorney prepares the charge sheet.

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8. **Charge sheet filing:** The case is filed before the competent court under Section 32.
 9. **First court appearance:** The court considers the accused's appearance and custody or bail position.
 10. **Trial:** Evidence and witness testimony are examined and legal arguments are heard.
 11. **Judgment:** The court decides whether the accused committed the offence and determines the applicable punishment.
 12. **Compensation:** Where applicable, loss may be recovered or reasonable compensation awarded under Section 254.
 13. **Appeal:** An aggrieved party may exercise the statutory right of appeal within the applicable limitation.

The investigation and prosecution stages are expressly governed by the Criminal Procedure Code.

Frequently Asked Questions About Thagi Mudda in Nepal

What is Thagi Mudda in Nepal?

Thagi Mudda means a criminal cheating case under Section 249 of the Muluki Criminal Code, 2074. It concerns deceptive conduct, false assurance, inducement or other misleading conduct that dishonestly causes loss, damage or injury or produces a benefit for the accused or another person. The evidence must establish the statutory elements of the offence.

What is the punishment for cheating in Nepal?

Under Section 249, punishment depends on the nature of the cheating. Cheating the Government or qualifying government-controlled institution may carry up to ten years' imprisonment and Rs. 100,000 fine. False representation of name, position, qualification or status may carry up to five years. Other cheating may carry up to seven years and Rs. 70,000 fine.

How long is the limitation period for Thagi Mudda?

Section 255 of the Muluki Criminal Code provides that a complaint for offences under Chapter 21 cannot be filed after one year from the date the commission of the offence becomes known. Because the calculation depends on the facts concerning knowledge of the offence, the complainant should determine the relevant date carefully before filing the complaint.

Can I file a Thagi case for unpaid money?

Unpaid money alone does not automatically establish cheating. The complainant generally needs evidence of deception, false assurance, inducement or other conduct falling under Section 249. If the parties entered a genuine transaction and the dispute concerns subsequent non-payment or contractual performance, the matter may be civil rather than criminal. The facts must be examined before filing.

Where should a Thagi complaint be filed?

A criminal complaint or information is ordinarily submitted to the appropriate police office. Section 4 of the Muluki Criminal Procedure Code provides for written, oral or electronic information concerning relevant offences, together with available evidence and details, to the nearest police office as soon as possible. The prescribed complaint format is contained in Schedule 5.

What documents are required for a Thagi case?

Useful evidence includes agreements, receipts, bank statements, payment records, cheques, messages, emails, property documents, invoices, photographs and witness details. The complainant should provide evidence showing the alleged representation or deception, the action taken because of it, the resulting loss or benefit and the accused's connection with the conduct.

Can an accused get bail in a Thagi Mudda?

Bail depends on the statutory circumstances and the court's assessment. Section 67 permits detention for trial in specified circumstances, including certain offences punishable by more than three years where the statutory conditions exist. Section 68 allows deposit, bail or bank guarantee in cases outside Section 67. The court determines the appropriate order based on law and evidence.

Can the victim recover the money in a Thagi case?

Yes, the Criminal Code provides for compensation in Chapter 21 offences. Section 254 states that where loss is established and the amount is known, the loss may be recovered from the offender and paid to the victim. Where the loss cannot be determined, the victim may receive reasonable compensation according to the law and court's determination.

Is Thagi different from extortion in Nepal?

Yes. Thagi under Section 249 primarily concerns deception, inducement, false assurance or misleading conduct. Criminal benefit, commonly described as extortion, is regulated by Section 253 and involves obtaining a benefit dishonestly by

putting a person in fear of damage or causing or preventing an act for that benefit. The punishment and legal elements are therefore different.

How long does a Thagi case take in Nepal?

There is no single statutory period that guarantees completion of every Thagi trial within a fixed number of months. Duration depends on investigation, number of accused, volume of evidence, witness availability, court schedule, interlocutory applications and appeals. The one-year limitation for filing under Section 255 should not be confused with the time required to complete the criminal trial.

Can a Thagi case be filed against a company?

The answer depends on the conduct, statutory liability and the persons responsible. Section 249 expressly covers cheating of the Government or institutions under specified circumstances, while criminal liability generally requires examination of the conduct and role of the relevant person. Corporate transactions should therefore be assessed carefully to identify the accused persons, representations, authority and applicable legal provisions.

Conclusion

Thagi Mudda in Nepal is principally governed by Section 249 of the Muluki Criminal Code, 2074. The offence requires more than a failed transaction or unpaid debt. The central issue is whether the accused used deception, false assurance, inducement or another misleading method and thereby caused dishonest loss or obtained a benefit within the meaning of the law.

The procedure normally begins with a **jaheri darakhast** or other legally recognized information to the police. The police investigate the allegation and evidence, prepare an investigation report, and send the materials to the government attorney. Where sufficient evidence exists, the government attorney files the charge sheet before the competent court. The court then deals with custody or bail, evidence, trial and judgment under the Muluki Criminal Procedure Code.

A person considering filing or defending a **Thagi Mudda** **in Nepal** should pay particular attention to the precise deceptive act, documentary and electronic evidence, the connection between deception and loss, the distinction between criminal and civil liability, and the one-year limitation under Section 255. The applicable law should be assessed against the facts of the individual case rather than relying only on the description of the transaction as “cheating.”

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