

FIRST INFORMATION REPORT

முதல் தகவல் அறிக்கை

(Under Section 154 Cr.P.C.)

(கு.ந.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE
INTEGRATED INVESTIGATION FORM-I

8073064

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- District : *Kanyakumari* PS: *Vigilance and anticorruption Kanyakumari Detachment* Year: *2019* FIR No.: *3/2019* Date: *25-6-2019*
மாவட்டம் காவல்துறையம் ஆண்டு முத.அ. எண் நாள்
- (i) Act சட்டம்: *GPC* Sections பிரிவுகள்: *120B, 167, 177, 407 and 420 GPC*
(ii) Act சட்டம்: *PC Act* Sections பிரிவுகள்: *13(2) & /w 13(1)(c) PC act*
(iii) Act சட்டம்: Sections பிரிவுகள்:
(iv) Other Acts & Sections பிற சட்டங்களும், பிரிவுகளும் :
- (a) Occurrence of Offence Day : Date from : Date to : *during the period 2006 to 2015*
குற்ற நிகழ்வு நாள் நாள் முதல் நாள் வரை
Time Period : Time from : Time to :
நேர அளவு நேரம் முதல் நேரம் வரை
(b) Information Received at PS. Date : *11.4.2017* Time :
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம்
(c) General Diary Reference : Entry No(s) *25-6-2019* Time : *15.00 hrs*
பொது நாட்குறிப்பில் பதிவு விவரம் எண் நேரம்
- Type of Information : Written/ Oral : *written*
தகவலின் வகை : எழுத்து மூலம் / வாய் மொழியாக
- Place of Occurrence (a) Direction and Distance from PS: *Kandamvithi P.A.C.S. Kanyakumari Dt*
குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும் *14 km western side.*
Beat Number : *-* (b) Address : *-*
முறைக் காவல் எண் முகவரி
- (c) In case outside limit of this Police Station, then the Name of P.S : District :
இக்காவல் நிலைய எல்லைக்கப்பால் நடந்து இருக்குமாயின், அந்நிலையில் அந்த கா.நி.பெயர் மாவட்டம் *-*
- Complainant /Informant (a) Name : *S. John Benchamin* (b) Father's/ Husband's Name :
குற்றமுறையிட்டாளர்/ தகவல் தந்தவர் பெயர் தந்தை / கணவர் பெயர்
(c) Date / Year of Birth : (d) Nationality : (e) Passport No. :
நாள் / பிறந்த ஆண்டு நாட்டினம் வெளிநாட்டு கடவுச்சீட்டு எண்
Date of Issue : Place of Issue :
வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்
(f) Occupation : *Inspector of Police* (g) Address : *Vigilance and anticorruption Kanyakumari Detachment.*
தொழில் முகவரி
- Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)
தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்
(தேவையெனில் தனித்தாள் இணைக்கவும்)
*Mr. D. Arulraj, formerly president, Kandamvithi Agricultural Co-operative credit Society, Kanyakumari District.
(All accused details are furnished in the separate sheet)*
- Reasons for delay in reporting by the complainant / Informant:
குற்றமுறையிட்டாளரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்
preliminary enquiry conducted and hence the delay

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் விவரம் (தேவையெனில் தனித் தாளில் இணைக்கவும்)
10. Total value of properties stolen / involved :
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் மொத்த மதிப்பு
11. Inquest Report / Un-natural death Case No. if any:
பிண விசாரணை அறிக்கை / இயற்கைக்கு மாறான இறப்பு எண் ஏதேனும் இருந்தால்
12. FIR Contents (Attach separate sheet, if required) :
முதல் தகவல் அறிக்கையின் சுருக்கம். (தேவையெனில் தனித்தாளில் இணைக்கவும்)

Separate sheet attached

13. Action taken : Since the above report reveals commission of offence(s) u/s as mentioned at item No.2 registered the case and took up the investigation / directed V. AC, Kanyal Kumari Rank Inspector to take up the investigation / Refused Investigation / transferred to PS..... point of jurisdiction.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குற்ற முறையீட்டில் உள்ளவை பிரிவு 2ல் கூறப்பட்ட சட்ட பிரிவுப்படியான குற்றமாக வழக்கு பதிவு செய்து புலனாய்வுக்கு எடுத்துக்கொள்ளப்பட்டது / பணிக்கப்படுதல் பதவி நிலை பணியாளரின் புலனாய்வுக்கு எடுத்துக்கொள்ள பணிக்கப்பட்டது / மறுக்கப்பட்டு எல்லையைக் கருதி புலனாய்வுக்கு காவல் நிலையத்திற்கு மாற்றப்படுகிறது.

FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

முதலு. குற்றமுறையீட்டாளருக்கு / தகவல் தந்தவருக்கு படித்துக்காட்டி, அது சரியாக எழுதப்பட்டு இருப்பதாக ஏற்றுக் கொள்ளப்பட்டு, அதன் படி நகல் ஒன்று இலவசமாக கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant / Informant
குற்றமுறையீட்டாளர் / தகவல் கொடுப்பவரின் ஒப்பம் / பெருவிரல் இரேகைப் பதிவு

Signature of the Officer in-charge, Police Station
காவல் நிலைய பொறுப்பு அலுவலரின் ஒப்பம்

15. Date & Time of despatch to the court:

நீதிமன்றத்திற்கு அனுப்பப்பட்ட நாள், நேரமும்

25-6-2019 at 15:45 hrs

Name: பெயர் S. John Benjamin

Rank: நிலை Inspector No. எண்

V. AC, Kanyal Kumari

FIR contents in Vigilance and Anti Corruption, Kanyakumari Detachment
Cr.No.03/2019 u/s 120-(b), 167, 177, 409 and 420 IPC and Sec 13(2) r/w
13(1) (c) of the prevention of Corruption Act 1988.

Accused:

- 1: Tr.D.Arulraj,
Formerly President,
Kandanvilai Agricultural
Co-operative Credit Society,
Kanyakumari District.
- 2: Tr.K.Duraiswamy,
Formerly Office Assistant,
Tamil Nadu Civil Supply
Corporation Ltd, Konam,
Nagercoil.
3. Tr.Liakath Ali,
Formerly Special Officer,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
4. Tr.Chella perumal,
Formerly Special Officer,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
5. Tr.S.Mony,
Formerly Special Officer,
Primary Agricultural

Submitted:

I, S.John Benchamin, Inspector of Police, Vigilance and Anti-Corruption, Kanyakumari Detachment at Nagercoil received instruction pertaining to this registration of FIR today on 25.06.2019 at 15.00 Hrs in official Memorandum No.PE.139/2017/CO-OP/KK, dt17.06.2019 of the Director of Vigilance and Anti-Corruption, Chennai-16 and registered a case in Nagercoil Vigilance and Anti-Corruption Cr.No.03/2019, u/s 120-B, 167, 177, 409 and 420 IPC and u/s 13(2) r/w 13(1) (c) of the Prevention of Corruption Act 1988.

It is a peculiar case wherein after the completion of the Preliminary Enquiry, the complainant Tr.K.Duraisamy turned accused, Tr.V.Nambinathan arrayed as accused in complaint was found innocent. So the complainant is arrayed as 2nd accused in this case and Tr.V.Nambinathan is cited as witness in this case.

- Co-operative Society,
Kandanvilai,
Kanyakumari District,
6. Tmt.Sulochana Bai
Formerly Special Officer,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
7. Tr.John,
Formerly Secretary,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
8. Tmt.Vijayalakshmi,
Formerly Secretary,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
9. Tr.Isac,
Formerly Vice President,
Board Member,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
10. Tr.P.M.Justus,
Member of PACCS,

A-2 who was the petitioner of this case availed loans from Kandanvilai PACCS by furnishing false particulars. A-3 to A-8 are the accused who worked in the respective period as Special Officers at PACCS, Kandanvilai. A-1 Tr.D.Arul Raj, S/o David, Chithan Thoppu, Kandanvilai Post, Kanyakumari District and A-9 Tr. Issac was the sitting president and Vice President of Kandanvilai Primary Agricultural Co-Operative Credit Society from May-2013. A-10 to A-17 are the accused who are the Board Members of PACCS, Kandanvilai. A-2, A-9 to A-17 are Private individuals. At the time of commission of offence A-1 was the President of the above said society. Hence, he was also a public servant u/s 2(c) of PC Act 1988 (Act No.16 of Amendment) Act 2018. A-3 to A-8 are public servants defined u/s 2 (c) Prevention of Corruption (Amendment) Act 2018.

The Government Orders (Ms) No-59 Co-Operation, Food and Consumer Protection (CC1) Department dt.28.06.2016 have issued orders and separate detailed guidelines for waiving outstanding Crop Loan,

- Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
11. Tr.Xavier Raj,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
12. Tr.V.Subramanian,
Member of PACCS,
Primary Agricultural
Co-operative Society,2
Kandanvilai,
Kanyakumari District,
13. Tr.T.Vijayakumar,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,
14. Tmt.T.Thires Mary,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,

Medium Term (Agriculture) Loan and Long Term (Farm Sector) Loan issued to the small and marginal farmers of the Co-operative Societies as on 31.03.2016. The Society Bi-law and Society Act Sec. 23(1)(g) insists that, one person should not be a member of two same category of Society. On perusal of the records from Kandanvilai and Karancadu Primary Agricultural Co-Operative Credit Societies reveals that A-2 Tr.K.Duraiswamy having membership No.2340 with Kandanvilai PACCS and also having membership No.3355 and loan A/c No.2868 with Karancadu PACCS. As per the Bi-law of Kandanvilai Primary Agricultural Co-Operative Credit Society a member of its jurisdiction should not be a member of another Primary Agricultural Co-Operative Credit Society of same category. The A-2 Tr.K.Duraiswamy living in the jurisdiction of Karancadu PACCS has availed loans from Karancadu PACCS and availed the benefit of waiver in connection with the loan in Karancadu PACCS. Being member of Karancadu PACCS A-2 has knowingly

15. Tr.A.Reslin Bindu,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,

16. Tr.Y.Yesther King,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,

17. Tr.S.Oliver,
Member of PACCS,
Primary Agricultural
Co-operative Society,
Kandanvilai,
Kanyakumari District,

admitted himself as "A" Class Member in Kandanvilai PACCS during the year 2003 and availed 16 numbers of loans from 2003 to 2016. The President, Vice President, Society Secretaries, Special Officers, Board members followed by Tr.Thomas and Tr.Subbiah Pillai (both expired), without perusing and obtaining NOC from A-2 Tr.K.Duraisamy, had issued 16 loans to him. He is pertinent to state that Tmt.Ambika, the wife of Tr.K.Duraiswamy, was working at Kandanvilai PACCS during the period between 2003 to 2016. Hence, it is very clear that, there was a collusion and criminal conspiracy between the President, Vice President, Society Secretaries, Special Officers, Board members and Tr.Duraiswamy between 27.01.2006 to 16.07.2015. Whenever a loan issued to an 'A' class member of

the society, NOC from the nearest PACCS should be obtained every time before issuance of the loan. The marginally noted Special Officers, the board members and the Secretaries served in Kandanvilai PACCS well aware of the Jurisdiction of Kandanvilai and Karancadu PACCS and with knowledge about the residence of A-2 Tr.K.Duraiswamy in Karancadu Jurisdiction have knowingly and willfully abused their power and issued 16 loans in Kandanvilai PACCS to A-2 Tr.K.Duraiswamy from the period 2006 to till 2016. Tr.V.Nambinathan, Tmt.Christal Stella and Tr.Saravanan were nominated vide proceedings No.ந.க.2634/2016, தொவேச. dt.28.07.2016 of the Joint Registrar of Co-operative

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Societies, Kanyakumari District for the 100% verification of loan availed by the small farmers and the marginal farmers those who availed loan. As per the above government order while the verification team prepared the 100% verification list, Tr.K.Duraiswamy was excluded from the waivers list of Kandavilai PACCS, since his loan amount of Rs.40,000/- availed from Karancadu PACCS was already waived. Hence the act of excluding the name of Duraiswamy by witness Tr.V.Nambinathan, who is the member of the verification team, is correct as per society By-law. The Special Officers and the Secretaries, who sanctioned, recommended and issued loans to Tr.K.Duraiswamy from 2006 to 2016 in Kandavilai PACCS without obtaining and verifying the NOC from Karancadu are mentioned in details under the headings date of loan amount received, Loan Sanctioning authority and Loan Recommended by Secretary is 1) 27.01.2006/ Rs.66000+ 1045 Int. (Jewel Agri loan), Tr.Liakath Ali, S.O (Retired on 03.05.2009), Tr.John, (Rtd. 31.05.2015) 2) 10.02.2006/Rs.25000+ 3214 Int.(Agri loan), Tr.Liakath Ali, S.O (Retired on 03.05.2009), Tr.Thomas, (Expired), 3) 15.02.2008/Rs.7548 Int. (81700 loan) (Jewel Agri loan), Tr.Liakath Ali, S.O, Tr.John, (Rtd. 31.05.2015), 4) 18.08.2008/ Rs.3866 Int. (45000 loan) (Agri loan), Tr.Chellaperumal, SO (Rtd. 31.03.2017), Tr.John, (Rtd. 31.05.2015), 5) 30.05.2009/Rs.4291 Int. (99000 loan) (Jewel Agri loan), Tr.Chellaperumal, SO, Tr.John, (Rtd. 31.05.2015), 6) 16.11.2009/Rs.3892 Int. (45000 loan) (Agri loan), Tr.S.Mony, SO (Rtd. 31.05.2015), Tr.John, (Rtd. 31.05.2015), 7) 18.01.2010/Rs.7158 Int (117000 loan) (Jewel Agri loan), Tmt.Sulochana Bai, SO (Rtd. 31.07.2015), Tr.John, (Rtd. 31.05.2015) 8) 22.12.2010/Rs.6558 Int. (123000 loan) (Jewel Agri loan), Tr.S.Mony, SO (Rtd. 31.05.2015), Tr.John, (Rtd. 31.05.2015), 9) 10.03.2011/Rs.3668 Int. (45000 loan) (Agri loan), Tr.S.Mony, SO (Rtd. 31.05.2015), Tr.John, 10) 20.12.2011/Rs.7940 Int. (200000 loan) (Jewel Agri loan), Tr.S.Mony, SO, Tr.John, 11) 04.06.2012/Rs.4440 Int. (50000 loan) (Agri loan), Tr.S.Mony, SO, Tr.John, 12) 16.07.2012/Rs.19982 Int. (296000 loan) (Jewel Agri loan), Tr.S.Mony, SO, Tr.John, 13) 05.07.2013/Rs.17500 Int. (250000 loan) (Jewel Agri loan), Tr.S.Mony SO, Tr.John, 14)

09.07.2014/Rs.16925 Int. (250000 loan) (Jewel Agri loan), Board members, Tr.John, 15) 25.11.2014/Rs.4066 Int. (50000 loan) (Agri loan), Board members, Tr.John, and 16) 16.07.2015/Rs.17932 Int. (250000 loan) (Jewel Agri loan), Board Members, Tmt.S.Vijayalakshmi, Secretary (Rtd.31.05.16). A-2 Tr.K.Duraiswamy in collusion with A-1, A-3 to A-17 knowingly that he was 'A' class member of same type of Karankadu PACCS concealed to get A-2 the membership at Kandavilai PACCS during 2003 and Tr.Thomas (Expired), the then Secretary, knowingly issued the membership to Tr.K.Duraiswamy. Thus A-1 and A-3 to A-17 knowingly and willfully conspired together with A-2, recommended, sanctioned and issued 16 number of loans for the period between 2006 and 2016 from Kandavilalai PACCS to A-2 Tr.K.Duraiswamy with the knowledge that A-2 Tr.K.Duraiswamy is already a member of Karancadu PACCS and thereby caused monetary loss to the tune of Rs.2,21,025/- to Government. For this financial loss, 1.Tr.K.Duraiswamy, 2.Tr.Liakath Ali, 3.Tr.Chella Perumal, 4.Tr.S.Mony, 5.Tmt.Sulochana Bai, 6.Tr.John, 7.Tmt.Vijayalekshmi, 8.Tr.D.Arulraj, 9.Tr.Isac, 10.Tr.P.M.Justus, 11.Tr.V.Xavier Raj, 12.Tr.V.Subramanian, 13.Tr.T.Vijayakumar, 14.Tmt.T.Thires Mary, 15.Tr.A.Reslin Bindu, 16.Tr.Y.Yesther King, 17. Tr.S.Oliver all are responsible.Hence, the accused A-2 colluded with A-1 and A-3 to A-17 knowingly and willfully have indulged into criminal conspiracy with each other from the period 27.01.2006 to 31.05.2016 and thereby furnished false information and framed incorrect records and committed criminal breach of trust in respect of the amount entrusted to them for disbursing as loan to eligible members and have thereby cheated the authorities concerned by inducing them and made them to believe and to deliver the funds for the purpose of loan and dishonestly and fraudulently made use of the funds entrusted to them as a public servant for their own use and use of A-2 thereby committed Criminal Misconduct and caused financial loss to the Government to the tune of Rs.2,21,025/-.So the criminal act of A-1 to A-17 disclosed offences u/s 120-B, 167, 177, 409 and 420, IPC and u/s 13[2] r/w 13(1) (c) of Prevention of Corruption Act 1988. So I am registering a case in Nagercoil

Vigilance and Anti-Corruption Cr.No.03/2019 under the above section against the accused for investigation. I hereby send the original FIR to the Special Judge cum Chief Judicial Magistrate, Kanyakumari District @ Nagercoil and other copies to the officials concerned. and I handed over a copy of the F.I.R to Tr.J.Raju, Inspector of Police for further investigation.

S. Shivan
25/6/19
Inspector of Police
Vigilance and anticorrupty
Kanyakumari District

