

FIRST INFORMATION REPORT

முதல் தகவல் அறிக்கை
(Under Section 154 Cr.P.C.)
(குற.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE
INTEGRATED INVESTIGATION FORM-I

8075280

C

1. District : Kanyakumari PS: V&AC Year: 2021 FIR No: 6/2021 Date: 06.08.2021
மாவட்டம் காவல்நிலையம் Nagercoil ஆண்டு முதல் நாள்
2. (i) Act சட்டம்: IPC Sections பிரிவுகள்: 120-B, 167, 409 r/w 109 IPC
(ii) Act சட்டம்: The PC Act 1988 (Amended in 2018) Sections பிரிவுகள்: and 13(2) 13(1)(a) of the P.C
(iii) Act சட்டம்: Act 1988 (Amended in 16 of 2018)
Sections பிரிவுகள்:
(iv) Other Acts & Sections பிற சட்டங்களும், பிரிவுகளும் :
3. (a) Occurrence of Offence Day : Date from : 11.03.2020 Date to : 16.06.2020
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 : 06.08.2021 Time : 12.30 hrs
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம்
(c) General Diary Reference : Entry No(s) 06.08.2021 Time : 12.30 hrs
பொது நாட்குறிப்பில் பதிவு விவரம் எண் நேரம்
4. Type of Information : Written/ Oral : Writtern
தகவலின் வகை : எழுத்து மூலம் / வாய் மொழியாக
5. Place of Occurrence (a) Direction and Distance from PS: Approximately 20 KM south west
குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும்
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
6. Complainant / Informant (a) Name : S.John Benchamin (b) Father's/ Husband's Name : S.Swaminathan
குற்றமுறையிட்டாளர்/ தகவல் தந்தவர் பெயர் தந்தை / கணவர் பெயர்
(c) Date / Year of Birth : (d) Nationality : Indian (e) Passport No. :
நாள் / பிறந்த ஆண்டு நாட்டினம் வெளிநாட்டு கடவுச்சீட்டு எண்
Date of Issue : Place of Issue :
வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்
Inspector of Police, No.210/1A, Lourdu Annai Salai, Punnai
(f) Occupation : V&AC , Nagercoil (g) Address : Nagar, Nagercoil, Kanyakumari District
தொழில் முகவரி
7. Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)
தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்
(தேவையெனில் அளித்தாளர் இனங்களையும்) Kallukuttam Town Panchayat, Kanyakumari District.
2. Selvin George Junior Engineer (TP) Kallukuttam, Town Panchayat, Kayakumari District.
3. Sanal Kumar, Assistant Executive Engineer, Town Panchayat Nagercoil Zone Kayakumari District.
4. Kannan, Assistant Director Town Panchayat Nagercoil Zone , Kanyakumari Dist.
5. M/s Narayanan & Co, Karpadai, Vaigai kudi, Sivagangai District.
8. Reasons for delay in reporting by the complainant / Informant:
குற்றமுறையிட்டாளரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்

Nil

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)
 பறிமுத்தல் / சம்பந்தமுள்ள சொத்துக்களின் விவரம் (அதிக தகவல் தேவைப்பட்டால் தனி தாள் சேர்த்து)

10. Total value of properties stolen / involved
 பறிமுத்தல்கள் / சம்பந்தமுள்ள சொத்துக்களின் மொத்த மதிப்பு

11. Incident Report / Un-natural death Case No. / any
 இடம் விவரம் அறிக்கை / இயற்கையற்ற மரணம் தொடர்பான எந்தவித தகவலும் இல்லை

12. FIR Contents (Attach separate sheet, if required)
 பி.ஆர். உள்ளடக்கம் (அதிக தகவல் தேவைப்பட்டால் தனி தாள் சேர்த்து)

Accused

1. Ambrose, Executive Officer, Kallukuttam Town Panchayat, Kanyakumari District.
2. Selvin George, Junior Engineer (TP) Kallukuttam, Town Panchayat, Kanyakumari District.
3. Sonal Kumar, Assistant Executive Engineer, Town Panchayat Nagercoil Zone Kanyakumari District.
4. Kunnan, Assistant Director Town Panchayat Nagercoil Zone, Kanyakumari Dist.
5. M/s Narayanan & Co, Karpadat, Valgai kudi, Sivagangai Dis-

On 06.08.2021 at about 12.30 hrs when I S. John Benchamin was in the office of the Vigilance and Anti-Corruption, Kanyakumari Detachment @ Nagercoil, received and perused the memorandum of DVAC, Chennai in V.R. No.22548/2020/TP/KK dated 23.07.2021 along with the copy of prior approval u/s 17 (A) (1) of the Prevention of Corruption Act 1988, as amended by Act 16 of 2018 with Letter (2D) No. 20 dt. 06.05.2021 issued by the competent authority against AO-1 to AO-4 mentioned in accused column the Accused officer No-1 is working as Executive officer, Kallukoottam

13. Action taken Since the above report reveals commission of offence(s) u/s as mentioned in item No.2 registered the case and took up the investigation / directed _____ Rank _____ to take up the investigation / Refused investigation / transferred to PS _____ on point of jurisdiction.

மேல்கண்ட தகவல்கள் மேலே குறிப்பிடப்பட்ட சட்டப்பகுதிகளில் உள்ள இடங்களில் பி.ஆர். உள்ளடக்கம் கண்டறியப்பட்டுள்ளது. மேல்கண்ட தகவல்கள் அடிப்படையில் விசாரணை மேற்கொள்ளப்பட்டு வருகிறது. மேல்கண்ட தகவல்கள் அடிப்படையில் விசாரணை மேற்கொள்ளப்பட்டு வருகிறது. மேல்கண்ட தகவல்கள் அடிப்படையில் விசாரணை மேற்கொள்ளப்பட்டு வருகிறது.

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

பி.ஆர். படித்துரைக்கப்பட்டது / தகவல் அளிப்பவருக்கு உடனடியாக அது சம்பந்தம் உள்ளது குறிப்பற்ற தகவல் கொடுக்கப்பட்டது. அது மீது தகவல் கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant / Informant
 குற்றப்படுத்தப்பட்டவர் / தகவல் கொடுப்பவரின் கையொப்பம் / கையெழுத்து அச்சு

S. John Benchamin
 Signature of the Officer in-charge, Police Station
 அங்கு தலைவர், காவல்துறை நிலையம்

15. Date & Time of despatch to the court (06.08.2021 13.30 hrs)
 நீதிமன்றம் அனுப்பப்பட்ட நாள் & நேரம்

Name: S. John Benchamin
 Rank: Inspector of Police
 V&AC, Kanyakumari Detachment

Town Panchayat, Kanyakumari District from 02.02.2019 to till date. The Accused Officer No-2 Tr. Selvin George is working as Junior Engineer (Town panchayat), Kallukootam Town Panchayat, Kanyakumari District from 09.03.2019 to till date. The Accused officer No-3 Tr.Sanal Kumar is working as Assistant Executive Engineer. (Town panchayat), Nagercoil Zone, Nagercoil from 01.03.2019 to till date. The Accused officer No-4 Tr.Kannan was working as Assistant Director of Town panchayats, Kanyakumari District from 23.08.2018 to 03.09.2020. As such the above accused officers 1 to 4 are public servants within the ambit and purview of Sec. 2 (C) of the Prevention of Corruption Act, 1988. The 5th accused M/s. Narayanan & Co., Karpadai, Vaigaigudi, Sivagangai, Sivagangai District is a Private individual. There are 55 Town Panchayats in Kanyakumari District. The Director of Town Panchayats is the Head of Town Panchayat Administration at the State level. Accordingly, the Director reviews and monitors the affairs of the Town Panchayats in the State. For convenience of administration, the whole area in the State is divided into 17 zones which are placed in the charge of the Assistant Directors of Town Panchayats. The Assistant Directors of Town Panchayats have to function independently under the supervision and control of the Director of Town Panchayats and they, in their turn, have to keep stern superintendence and control over the administration of the Town Panchayats in their respective zones. The Assistant Directors of Town Panchayats have to ensure that all the activities, especially those relating to the developmental programmes implemented through the Town Panchayats in their zones are carried out properly, promptly and fairly. They are authorized to grant administrative sanction for works not exceeding Rs.20 lakhs in estimate value. On technical matters the Assistant Directors of Town Panchayats are assisted by the Assistant Executive Engineers, who are expected to function under the control of the former. sThe Assistant Executive Engineers are authorized to grant technical sanction for works not exceeding Rs. 20 lakhs in estimate value. The Assistant Directors of Town Panchayats and the Assistant Executive Engineers

attached to their offices have authority to inspect important ongoing works. The Assistant Executive Engineers are expected to check measure the measurements recorded by the Assistant Engineers / Junior Engineers attached to the Town Panchayats. In addition to this, the Assistant Executive Engineers are expected to verify and counter sign all the documents, particularly the Abstract Bills for payment to the contractors, prepared by the Assistant Engineers / Junior Engineers attached to the Town Panchayats. The Town Panchayats are administered by the Executive Officers who are answerable to the Assistant Directors of Town Panchayats and the superior officers in the hierarchy. The Executive Officers of Town Panchayats are the Executive Authorities of the Town Panchayats. They are authorized to sign all cheques for payments from Panchayat fund and other funds under their control or dominion. At the Town Panchayat level, the Executive Officers are responsible for the implementation of Government Programmes as well as for the other routine functions of the Town Panchayat. Accordingly, it is the responsibility of the Executive Officers to carry out the duly sanctioned works and make payments there for to the contractors concerned by cheques. While discharging such responsibilities the Executive Officers are obliged to strictly adhere to the ***principles of financial propriety*** as well as ***the rules and regulations, department instructions and well-established fundamental principles relating to public procurement***. The superior officers concerned also have a duty to ensure that their subordinate officers scrupulously follow ***such rules and regulations, instructions and principles***. During the second half of the financial year 2019-2020, the Kallukoottam Town Panchayat in Kanyakumari District has installed a 9.0 Meter High Mast Lighting Systems with Solar LED Lights at Udaiyarvilai Junction in Kallukoottam Town Panchayat. In that connection, allegations have emerged to the effect that sizeable amount of Panchayat Fund has been misappropriated by the Executive Officer of Kallukoottam Town Panchayat with the connivance and aid of the other officers involved in the affairs, by making procurement of materials and services required for those works at exorbitantly high and

excessive prices from a favoured contractor and also by conveniently violating the rules and regulations, the department instructions and the fundamental principles relating to public procurement and financial propriety. It is ascertained that, a scrutiny of the file and M book relating to the work of supply, Delivery, installation of 9.0 metre High Mast Lighting systems with Solar LED lights at Udayarvilai Junction in Kallukootam Town panchayat was undertaken and the persons likely to be acquainted with the facts and circumstances of the procurement proceedings were confidentially contacted. The following information came to the light. AO-5 M/s. Narayanan & Co. has commenced the work on 11.03.2020. AO-2 Tr. Selvin George has recorded the measurements relating to this work at pages 1 to 4 of M.Book No. 89/2019-2020 on 11.03.2020. AO-3 Tr.Sanal Kumar has check-measured those measurements on 14.03.2020. The Completion Certificate for this work has been prepared by AO-2 Tr. Selvin George and countersigned by AO-3 Tr.Sanal Kumar on 30.03.2020. The Abstract Bill for payment of Rs. 6,37,126/- to M/s. Narayanan & Co. has been prepared by AO-2 Tr.Selvin George (at pages 5 and 6 of M.Book No. 89/2019-2020) and countersigned by AO-3 Tr.Sanal Kumar on 30.03.2020. AO-1 Tr. Ambrose has passed the bill for the same amount on 16.06.2020 and on the very same day, has issued cheque No.421068 dt. 16.06.2020 for Rs.5,80,012/- in favour of AO-5 M/s. Narayanan & Co. This cheque amount of Rs.5,80,012/- represents the net amount payable to the contractor after subtraction of Rs.57,114/- towards the usual deductions from the bill amount of Rs.6,37,126/- passed for the work. It is ascertained that, the criminal conspiracy among AO-1 to AO-4 to commit and abet one another in the commission of the offences of cheating, criminal breach of trust by public servant, criminal misconduct by public servant and public servant framing incorrect documents with intent to cause injury, AO-1 being a public servant viz Executive Officer of Kallukootam Town Panchayat and as such public servant, being entrusted with dominion and control over the funds of the said Town panchayat, with the active connivance and aid of AO-2 to AO-4 committed misappropriation, criminal breach of trust and criminal

misconduct in respect of a sum of Rs. 1,51,970/- of the above said Panchayat funds, by dishonestly making procurement of the materials and services for the work of "supply, Delivery, Installation of 9.0 Metre High Mast Lighting Systems with Solar LED lights at Udayarvilai Junction in Kallukoottam Town Panchayat at an exorbitantly high and excessive price of Rs. 5,62,970/- from AO-5, a favoured contractor, when the real prevailing market price of which was just Rs. 4,11,000/- and dishonestly making payment there for at such exorbitantly high and excessive price and also by deliberately violating the rules and regulations, the department instructions and the fundamental principles of public procurement and financial property, with a view to favour AO-5 and to pave the way for such procurement at exorbitantly high and excessive price, AO-2 and AO-3 being public servants viz Junior Engineer (Town Panchayat) and Assistant Executive Engineer (Town Panchayat) respectively and as such public servants being charged with the preparation of estimates, Tender Schedules, M Book measurements, certificates for completion of works, Abstract Bills for payment to contractors, etc. in respect of the works carried out by the Panchayat, abetted AO-1 in the Commission of the aforesaid offences, by preparing such records in respect of this work in a manner which they knew or believed to be incorrect intending thereby to cause injury by way of financial loss to the panchayat and AO-5 abetted AO-1 to AO-4 in the commission of the aforesaid offences by offering tender for this work with exorbitantly high and excessive rates and by receiving the excess amount of Rs. 1,51,970/-. It is learnt through reliable sources that, out of the 55 Town Panchayats in Kanyakumari District nearly 19 Town Panchayats including the Kallukoottam Town panchayat have installed 9.0 Metre High Mast Lighting Systems with Solar LED Lights. Likewise 18 other Town panchayats are namely. 1. Kanyakumari Special Grade Town Panchayat, 2. Kallukoottam Grade-I Town Panchayat, 3. South Thamaraikulam Grade-II Town Panchayat, 4. Suchindrum Selection Grade Town Panchayat, 5. Marungoor Grade-II Town Panchayat, 6. Aralvoimozhy Selection Grade Town Panchayat, 7. Azhagiapandipuram Grade-II Town Panchayat, 8. Mandaikadu Grade-II

Town Panchayat, 9. Vellimalai Grade-II Town Panchayat, 10. Manavalakurichi Selection Grade Town Panchayat, 11. Reethapuram Grade-I Town Panchayat, 12. Mulagumoodu Grade-I Town Panchayat, 13. Karungal Selection Grade Town Panchayat, 14. Thiruvattar Grade-I Town Panchayat, 15. Thiruparappu Selection Grade Town Panchayat, 16. Valvaichagostam Grade-I Town Panchayat, 17. Pahugal Grade-I Town Panchayat, 18. Verkilambi Grade-I Town Panchayat and 19. Kulasekaram Grade-I Town Panchayat. Among the above 19 Town Panchayats, Kanyakumari Selection Grade Town Panchayat has installed 4 numbers of such Lights, Mulagumoodu Grade-I Town Panchayat has installed 2 numbers such lights and each of the remaining 17 Town Panchayats has installed 1 number of such light. In total, 23 numbers of such lights have been installed by these 19 panchayats in Kanyakumari District. Strangely and in a way arousing strong suspicion, all the 19 Town Panchayats have entrusted this work to AO-5 M/S. Narayanan & Co at the same exorbitant rate of Rs. 5,62,970/- following almost similar methods and Modus Operandi described the above accused and other officials concerned of the above mentioned 18 other panchayats similarly indulged in corruption to be ascertained during the course of investigation. In the very nature of things, it is obvious that all these dishonest activities could not have been successfully accomplished without the connivance of AO-4 Tr.Kannan, the Assistant Director of Town Panchayat, Nagercoil Zone, Nagercoil. His complicity or otherwise could be determined only during regular investigation. The activities of the Suspect Officers seems to be the result of an organized crime having widespread ramifications. The excess amount paid to AO-5 M/S. Narayanan & Co. in respect of installation of one number of such light is Rs. 1,51,970/-. A simple numerical calculation would show that the excess amount paid to AO-5 M/s. Narayanan & Co in respect of installation of 23 numbers of such Lights is Rs. 34,95,310/- (23 x 1, 51, 970). The Accused officer - 1 to 4 abused their official position to get pecuniary gain from the AO-5 private individual and thus caused huge loss to the Government. The act of the above accused officers 1 to 4 in collusion with accused No.5 with common intention and mutual

understanding was the result of criminal conspiracy entered among A1 to A-5 between 11.03.2020 to 16.06.2020 to misappropriate the Govt. funds allotted to the erection of High Mast Light in Kallukootam Town panchayat had framed incorrect records, criminal breach of trust for the purpose of cheating the Government funds under their dominion and control dishonestly misappropriated for their own use of such Government funds entrusted to them jointly under their control as public servant and thus committed criminal misconduct and the same discloses prima facie commission of offence and Section 120-B, 167, 409 r/w 109 of IPC and 13(2) r/w 13(1)(a) of the Prevention of Corruption Act 1988, as amended by Act 16/2018. Hence a case in Kanyakumari Detachment at Nagercoil V&AC Cr. No.06/2021 u/s 120-B, 167, 409 r/w 109 of IPC and 13(2) r/w 13(1)(a) of Prevention of Corruption Act 1988, as amended by Act 16/2018 was registered on 06.08.2021 at 12.30 hrs.

I sent the original FIR to the CJM cum Special Judge court, Nagercoil and other copies to the concerned officials and a copy of FIR to the Tmt.C.Siva sankari, Inspector of Police, V&AC, Nagercoil for the purpose of investigation.

S. J. Alex 06/08/2021
(S. John Benjamin)
Inspector
V&AC Nagercoil