

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

C 8006010

- District : Coimbatore PS: V/S AC Year: 2019 FIR No.: 15/2019/AC/CB  
மாவட்டம் காவல்நிலையம் ஆண்டு முத.அ. எண் நாள் 16-07-2019
- (i) Act சட்டம்: The Prevention of Corruption Sections பிரிவுகள்: 13(2) r/w 130(d)  
(ii) Act சட்டம்: Act 1908 Sections பிரிவுகள்:  
(iii) Act சட்டம்: IPC Sections பிரிவுகள்: 167, 465, 477A  
(iv) Other Acts & Sections பிற சட்டங்களும், பிரிவுகளும் :
- (a) Occurrence of Offence Day : Date from : Date to :  
குற்ற நிகழ்வு நாள் During the நாள் முதல் நாள் வரை  
Time Period : Year 2012 to Time from : Time to :  
நேர அளவு 2014 நேரம் முதல் நேரம் வரை  
(b) Information Received at PS. Date : 16-07-2019 Time : 14:00hrs  
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம்  
(c) General Diary Reference : Entry No(s) 16-07-2019 Time : 14:00hrs  
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: At about 6 to 8 kms South East  
குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும்  
Beat Number : (b) Address : 1) Avarampalayam Assessment circle &  
முறைக் காவல் எண் முகவரி Trichy Road Assessment circle areas  
Assistant Commissioner of Commercial  
Tax Coimbatore  
(c) In case outside limit of this Police Station, then the Name of P.S. : Tax Coimbatore  
இக்காவல் நிலைய எல்லைக்கப்பால் நடந்து இருக்குமாயின், அந்நிலையில் அந்த கா.நி.பெயர் மாவட்டம்
- Complainant /Informant (a) Name : K Sasilecha (b) Father's/ Husband's Name : K.Krishnan Kutty  
குற்றமுறையிட்டாளர்/ தகவல் தந்தவர் பெயர் தந்தை / கணவர் பெயர்  
(c) Date / Year of Birth : 1979 (d) Nationality : Indian (e) Passport No. :  
நாள் / பிறந்த ஆண்டு நாட்டினம் வெளிநாட்டு கடவுச்சீட்டு எண்  
Date of Issue : Place of Issue :  
வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்  
(f) Occupation : Inspector of (g) Address : Vigilance & Anti Corruption,  
தொழில் Police முகவரி Coimbatore
- Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)  
தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்  
(தேவையெனில் தனித்தான் இணைக்கவும்)  
1) Mr. M. Murugesan (since deceased) S/o. Nanthasayan, Assistant Commissioner  
Avarampalayam Assessment circle, Commercial Tax, Coimbatore  
2) Mr. S. Anichamy s/o. Subramanian, Commercial Tax Officer, Avarampalayam Ac  
circle  
3) Mr. P. Valluvanappan s/o. P. Thyagarajan, CTO, Trichy Road Circle, Coimbatore
- Reasons for delay in reporting by the complainant / Informant: Mr. R. John Peter s/o. Rayer, D.C.T.O  
குற்றமுறையிட்டாளர் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம் Avarampalayam Ac, Coimbatore  
After conducting Detailed Enquiry this case was registered.

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)  
களவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் விவரம் (தேவையெனில் தனித் தாளில் இணைக்கவும்)
10. Total value of properties stolen / involved :  
களவாடப்பட்ட / 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 P. G. ANANDARANK Inspector of Police to take up the investigation / Refused Investigation / transferred to PS. V.S.A.C., COIMBATUR on point of jurisdiction.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குற்ற முறையிட்டில் 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.

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

14. Signature / Thumb Impression of the Complainant / Informant  
குற்றமுறையிட்டாளர் / 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 நாளும், நேரமும்

Name: பெயர் K. S. S. I. E. R. N. A.  
Rank: நிலை Inspector No. 587 Police  
V.S.A.C., Coimbatore.

16. 07. 2019

SUBMITTED

Contents of FIR in Coimbatore V&AC Cr.No.15/2019/AC/CB u/s.167, 465, 477A IPC & u/s. 13(2) r/w.13(1)(d) of Prevention of Corruption Act 1988

The accused No.1 Tr.N.Murugesan was working as Assistant Commissioner of Commercial Tax, Avarampalayam Assessment Circle, Coimbatore during the period from 01.01.2013 to 04.07.2013 & 30.08.2013 to 28.08.2014 and he had expired on 07.01.2019.

The accused No.2 Tr.S.Aruchamy was working as Commercial Tax Officer, Avarampalayam Assessment Circle, Coimbatore during the period from 10.06.2013 to 26.12.2014 & 05.07.2013 to 30.08.2013 as in charge Assistant Commissioner now working as State Tax Officer, O/o Joint Commissioner of Commercial Tax, Coimbatore from 08.07.2019.

The accused No.3 Tr.T.Vellaiyappan was working as Commercial tax Officer, Trichy Road, Assessment Circle, Coimbatore during the period from January 2012 to December 2012 now working as Assistant Commissioner, Avinashi Assessment Circle, Tiruppur from 17.08.2017.

The Accused No.4 Tr.R.John Peter was working as Deputy Commercial Tax Officer, Avarampalayam Circle, Coimbatore during the period from 01.01.2013 to 31.12. 2013. He was due for attaining the age of superannuation on 31.05.2017 but was removed from service as per the Proceedings of Additional Chief Secretary/Commissioner of Commercial Taxes, Chennai in No.E1/19034/2016 dated 07.12.2018 in connection with the case proved against him by the Tribunal for Disciplinary Proceedings.

The Tamilnadu Value Added Tax Act 2006 section 39 ordained the procedure for registration. In addition to that Tamilnadu Value Added Tax Rules 2007 laid down rules about application for registration in rule 4. Further Circular No.11/2011 (Acts cell – VI/9409/2011) of office of the Commissioner of

Commercial Taxes, Chepauk, Chennai - 600 005 dated 25.01.2011 was issued regarding Registration Certificate to the dealers.

In Commercial Tax Department the Assistant Commissioner of Commercial Tax Department is the registering authority on receipt of the application for registration and assign Taxpayer Identification Number (TIN) and issue certificate of registration for the trader after due verification. Further the above registering authority of Commercial Tax Department has to conduct post verification pertaining to the trade other than evasion prone commodities and the registering authority has to conduct such verification within a month.

As per Circular No.21/2011 (Acts Cell-VI/9409/2011) office of the Principal Secretary/Commissioner of Commercial Taxes, Chepauk, Chennai 600005 dated 28.09.2011 that plywoods and Veneer do not come under evasion prone commodities and the Assistant Commissioner/Registering Authorities of Commercial Tax Department has to conduct post verification within a month of issue of Registration Certificate for trading plywood and Veneer.

During the year of 2012 to 2015 a trader from Tamilnadu having a TIN number with CST can purchase commodities from other states and for which the seller has to pay only 2% tax (CST), if the purchaser had given C Forms manually obtained from Commercial Tax Department or generated through online (TNCT website) by him. If the purchaser sells the commodity those purchased from other state in Tamilnadu itself 14.5% VAT has to be paid. If the said commodity was sold outside Tamilnadu State the said trader can avail VAT benefit and has to pay only 2% CST if C Forms were provided to him by the purchaser of that state.

On 12.11.2013 one Tr.K.Rajagopal (deceased) S/o.Krishnan Nair submitted 2 separated applications one for VAT and another one was for CST before the O/o the Assistant Commissioner of Commercial Tax Department,

Avarampalayam Circle, Coimbatore to register his trading company under the name and style of M/s.Karayie Traders at Door No.97A Nava India Road, Avarampalayam, Ganapathy Post, Coimbatore and to issue Registration Certificate for the same. Wherein the applicant furnished the information that his company is functioning from 11.11.2013 and plywood and Veneer is the main trading commodity. The accused No.1 Tr.N.Murugesan (deceased accused) ordered to register and issue Registration Certificate to the above said company without any proper verification of the details in the application and the documents enclosed therewith. Accordingly the firm was registered and issued TIN. (33332227418) and CST (1164693) numbers. Further he allocated the firm for himself (Assistant Commissioner) for monitoring the trade. The said M/s.Karayie Traders had purchased plywoods for Rs.20,29,41,217/- from Kerala State and for which C Form was generated and only 2% CST paid by the seller. The M/s.Karayie Traders carried out the trading for a short period i.e. from December 2013 to April 2014 and reported only lesser quantities of sales to other state and filed Nil returns with regard to the sale within Tamilnadu. Thus in connivance with A1 the said firm has shown the value of sales in other states as Rs.1,34,69,776/- during the total trading period and the firm has not accounted the remaining plywoods purchased from Kerala and sold the plywoods in Tamilnadu and evaded 14.5% VAT with the connivance of A1 Tr.N.Murugesan (deceased accused). Thus the A1 Tr.N.Murugesan (deceased accused) in connivance with one Tr.K.Rajagopal registered the M/s.Karaiye Traders without proper examination of the application and documents and after the registration, the A1 being the Assessing Officer he has not ascertained the genuiness of the sales transactions and the monthly returns submitted by M/s.Karaiye Traders within 30 days and thereby he failed to take necessary steps to arrest the revenue leakage during his tenure.

On 17.07.2013 two separate applications were submitted before the O/o the Assistant Commissioner of Commercial Tax, Avarampalayam Circle, Coimbatore to register the trading company in the name of M/s.A.M.M Traders functioning at No.74/82 Murugan Koil Street, Avarampalayam, Coimbatore 641 006 and in which one for VAT and another one was for CST and to issue Registration Certificate for the M/s.A.M.M Traders. Wherein the name of the applicant was falsely mentioned and also submitted false introductory letters in the name of Sasikala Industries of Avarampalayam and K.R.Traders of Puliyakulam, Coimbatore. Further the information that this M/s.AMM Traders is functioning from 10.07.2013 and plywood and Veneer is the main trading commodity of the trader. The accused No.2 Tr.S.Aruchamy, Commercial Tax Officer, Assistant Commissioner (incharge) of Avarampalayam, Circle received the application and register the trader, issued TIN No. 33792227262 and CSTNo.1164541 on 18.07.2013 without proper scrutiny. At the time of registration of the A2 Tr.S.Aruchamy allocated A4 Tr.R.John Peter, Deputy Commercial Tax Officer of Avarampalayam Circle for monitor and scrutinize the assessment of trading and the same was entered in A (VAT) Register.

The said M/s.A.M.M Traders had purchased plywoods for Rs.26,68,27,550/- from Kerala State and for which C Form was generated and only 2% CST paid by the seller. The M/s.A.M.M Traders carried out the trading for a short period i.e. from July 2013 to February 2014 and reported only lesser quantities of sales to other state and filed Nil returns with regard to the sale within Tamilnadu. Thus the said firm has shown the value of sales in other states as Rs.2,06,79,203/- during the total trading period and the firm has not accounted the remaining plywoods purchased from Kerala and sold the plywoods in Tamilnadu and evaded 14.5% VAT with the connivance of A2 Tr.S.Aruchamy & A4 Tr.R.John Peter. Thus the A2 Tr.S.Aruchamy & A4 Tr.R.John Peter in connivance with M/s.A.M.M Traders and registered the firm without proper

examination of the application and documents enclosed therewith. After the registration A4 Tr.R.John Peter being the Assessing Officer he has not ascertained the genuiness of the sales transactions and the monthly returns submitted by M/s.A.M.M Traders within 30 days and thereby he failed to take necessary steps to arrest the revenue leakage during his tenure.

11) On 11.01.2013 two separate applications were submitted before the O/o the Assistant Commissioner of Commercial Tax, Avarampalayam Circle, Coimbatore to register the trading company in the name of Sri Muruga Traders functioning at No.74/82 Murugan Koil Street, Avarampalayam, Coimbatore 641 006 and in which one for VAT and another one was for CST and to issue Registration Certificate for the Sri Muruga Traders. Wherein the name and address of the applicant was falsely mentioned and also submitted false introductory letters in the name of MIRSAN CHEMTECH Engineering, 49/2A Guru Building, Nava India Road, K.R.Puram, coimbatore and K.R.Traders of Puliyakulam, Coimbatore. Further the information that this Sri Muruga Traders is functioning from 11.01.2013 and plywood is the main trading commodity of the trader. The accused No.1 Tr.N.Murugesan, (deceased accused) Assistant Commissioner of Avarampalayam, Circle received the application and register the trader, issued TIN No. 33122227000 and CST No.1098084 on 17.01.2013 without proper scrutiny. At the time of registration of the A1 Tr.N.Murugesan (deceased accused) allocated A4 Tr.R.John Peter, Deputy Commercial Tax Officer of Avarampalayam Circle for monitor and scrutinize the assessment of trading and the same was entered in A (VAT) Register.

The said Sri Muruga Traders had purchased plywoods for Rs.17,55,44,070.90/- from Kerala State and for which C Form was generated and only 2% CST paid by the seller. The Sri Muruga Traders carried out the trading for a short period i.e. from January 2013 to November 2013 and reported only lesser quantities of sales to other state and filed Nil returns with regard to

the sale within Tamilnadu. Thus the said firm has shown the value of sales in other states as Rs.2,73,48,916/- during the total trading period and the firm has not accounted the remaining plywoods purchased from Kerala and sold the plywoods in Tamilnadu and evaded 14.5% VAT with the connivance of A1 Tr.N.Murugesan (deceased accused) & A4 Tr.R.John Peter. Thus the A1 Tr.N.Murugesan (deceased accused) in connivance with Sri Muruga Traders had registered the firm without proper examination of the application and documents enclosed therewith. After the said registration A4 Tr.R.John Peter being the Assessing Officer he has not ascertained the genuiness of the sales transactions and the monthly returns submitted by Sri Muruga Traders within 30 days and thereby he failed to take necessary steps to arrest the revenue leakage during tenure of A1 & A4.

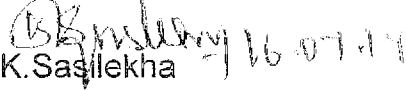
On 22.03.2012 two separate applications were submitted before the O/o the Assistant Commissioner of Commercial Tax, Avarampalayam Circle, Coimbatore to register the trading company in the name of M/s.S.K. Traders, functioning at No.449/834, 2<sup>nd</sup> Street, Pankaja Mill Sandhu, Periyar Nagar, Puliyakulam, Coimbatore 641 006 and in which one for VAT and another one was for CST and to issue Registration Certificate for the M/s.S.K. Traders. Wherein the name and address of the applicant was falsely mentioned and also submitted false introductory letters in the name of M/s.Amrutha Enterprises of Puliakulam, and HIFI Fashions of Ramanathapuram, Coimbatore. Further the information that this M/s.S.K Traders is functioning from 22.03.2012 and wooden furniture is the main trading commodity of the trader. The accused No.3 Tr.T.Velliappan, Assistant Commissioner of Trichy Road Circle received the application and register the trader, issued TIN No. 33421885104 and CST No.978346 on 30.03.2012 without proper scrutiny. At the time of registration of the A3 Tr.T.Velliappan allocated himself for monitor and scrutinize the assessment of trading and entered the same in A (VAT) Register.



The said M/s.S.K Traders had purchased wooden furnitures for Rs.3,68,98,856/- from Kerala State and for which C Form was generated and only 2% CST paid by the seller. The M/s.S.K Traders carried out the trading for a short period i.e. from April 2012 to November 2012 and reported only lesser quantities of sales to other state and filed Nil returns with regard to the sale within Tamilnadu. Thus the said firm has shown the value of sales in other states as Rs.1,51,87,053/- during the total trading period and the firm has not accounted the remaining wooden furniture purchased from Kerala and sold the wooden furnitures in Tamilnadu and evaded 14.5% VAT with the connivance of A3 Tr.T.Velliappan. Thus the A3 Tr.T.Velliappan in connivance with M/s.S.K. Traders and registered the firm without proper examination of the application and documents enclosed therewith. After the said registration A3 Tr.T.Velliappan being the Assessing Officer he has not ascertained the genuiness of the sales transactions and the monthly returns submitted by M/s.S.K Traders within 30 days and thereby he failed to take necessary steps to arrest the revenue leakage during his tenure.

Thereby the A1 to A4 abused their official position and failed to scrutinize the application and enclosures and registered the above 4 fictitious traders and permitted them to file false and fabricated returns and violated the circulars issued by their departments. In connivance with the above 4 bogus traders deliberately avoided to verify the monthly returns submitted by the traders and entered the said fabricated returns in the official records with an oblique motive to permit them to evade the VAT (14.5%) and its penalty and thereby caused wrongful loss of tax of about Rs.10,77,18,989/- and penalty of Rs.14,30,92,901/- to the Commercial Tax Department as well as Government Exchequer and the act of A1 to A4 attributed the prima facie cases u/s.167,465, 477A, IPC and u/s 13(2) r/w 13(1)(d) of PC Act 1988.

On the outcome of the Detailed Enquiry today 16.07.2019 at 14.00 hrs, I, K.Sasilekha, Inspector of Police, Vigilance and Anti Corruption, Coimbatore, am registering a case in Coimbatore V&AC Cr.No.15/2019/AC/CB under section 167, 465, 477(A) IPC and u/s 13(2) r/w 13(1)(d) of PC Act 1988 against the accused 1) Tr.N.Murugesan, (deceased accused) Assistant Commissioner of Commercial Tax, Avarampalayam Assessment Circle, Coimbatore 2)Tr.S.Aruchamy, Commercial Tax Officer, Avarampalayam Assessment Circle, Coimbatore 3) Tr.T.Velliayappan Commercial Tax Officer, Trichy Road Assessment Circle, Coimbatore and 4) Tr.R.John Peter, Deputy Commercial Tax Officer, Avarampalayam Circle, Coimbatore. The original FIR submitted to the Hon'ble Special Judge, Special Court for cases under the Prevention of Corruption Act, Coimbatore and copies submitted to the officers concerned.

  
K.Sasilekha  
Inspector of Police,  
Vigilance and Anti Corruption,  
Coimbatore.