FIRST INFORMATION REPORT

முதல் தகவல் அறிக்கை

(Under Section 154 Cr.P.C)

(கு.த.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE

INTEGRATED INVESTIGATION FORM-I

C 8093644

04/AC/2020

1. District : Namakkal மாவட்டம் PS : V & AC காவல்நிலையம் Year : 2020 ஆண்டு FIR No. : முத.அ. எண் Date : 20-10-2020 நாள்

2. (i) Act சட்டம்: Indian Penal Code Sections பிரிவுகள்: 109, 409 IPC

(ii) Act சட்டம்: The Prevention of Corruption Act, 1988 Sections பிரிவுகள்: 13(2) r/w 13(1)(c) & (d)

(iii) Act சட்டம்: Sections பிரிவுகள்:

(iv) Other Acts & Sections பிற சட்டங்களும், பிரிவுகளும் :

3. (a) Occurrence of Offence Day : குற்ற நிகழ்வு நாள் Date from : நாள் முதல் Date to : During the year 2016 நாள் வரை

Time Period : நே அளவு Time from : நேரம் முதல் Time to : நேரம் வரை

(b) Information Received at PS Date : 20.10.2020 காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் Time : 14.00 Hrs. நேரம்

(c) General Diary Reference : Entry No(s) Vol. III பொது நாட்குறிப்பின் பதிவு விவரம் எண் 20.10.2020 Time : நேரம் 14.00 Hrs.

4. Type of Information : Written/ Oral : தகவலின் வகை : எழுத்து மூலம் / வாய் மொழியாக Through Collection of Information

5. Place of Occurrence (a) Direction and Distance from PS:

குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும்

Beat Number : முதற் காவல் எண் (b) Address : முகவரி 1) About 19 km. South East Block Developement Office, Mohanur Block 2) About 18 km. North East Block Developement Office, Erumapatti, Block.

(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 : M. Nallamma குற்றமுறையிட்டவர்/ தகவல் தந்தவர் பெயர் (b) Father's/ Husband's Name : K. Muthusamy தந்தை / கணவர் பெயர்

(c) Date / Year of Birth : 21.05.1979 நாள் / பிறந்த ஆண்டு (d) Nationality : Indian நாட்டினம் (e) Passport No. : வெளிநாட்டு கடவுச்சீட்டு எண்

Date of Issue : வழங்கப்பட்ட நாள் Place of Issue : வழங்கப்பட்ட இடம்

(f) Occupation : தொழில் Inspector of Police (g) Address : முகவரி Vigilance and Anti Corruption, Namakkal

7. Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)

தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்

(தேவைபெனில் தனித்தாள் இணைக்கவும்)

Separate sheet enclosed.

8. Reasons for delay in reporting by the complainant / Informant:

குற்றமுறையிட்டவரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்

Information collected through secret sources and registered.

* GCP-240-34(Type-2) 90,000 Cps -21.3.16(HCL-12)

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)
களவுபட்ட / சம்பந்தப்பட்ட சொத்துக்களின் விவரம் தேவையெனில் தனித் தாளில் இணைக்கவும்

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10. Total value of properties stolen / involved :
களவுபட்ட / சம்பந்தப்பட்ட 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

Submitted :

separate sheet enclosed.

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 T. A. T. Jaikumar Rank Dy. Supdt of Police to take up the investigation / Refused investigation / transferred to PS .... on point of jurisdiction.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குறித்த முறையீட்டின் உண்மை பிரிவு 2ல் குறிப்பிட்ட சட்ட பிரிவுகளின்படி குற்றமாக வழக்கு பதிவு செய்து புலனாய்வுக்கு எடுத்துக்கொள்ளப்பட்டது / பணிக்கப்படுத்தும் .... 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
முதல் முறையீட்டாளருக்கு / தகவல் தந்தவருக்கு படித்துக்காட்டி, அது சரியாக எழுதப்பட்டு இருப்பதாக ஏற்றுக் கொள்ளப்பட்டு. அதன் படி நகல் ஒன்று இலவசமாக கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant / Informant முறையீட்டாளர் / தகவல் கொடுப்பவரின் ஒப்பம் / பெருவிரல் இரேகைப் பதிவு	[signature] 20/10/2020 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 20.10.2020 at 15.30 Hrs.	Name: பெயர் M. Nallammal. Rank: நிலை .... No எண் .... Inspector of Police, V+AC, Namakkal.

Continuation of FIR for Sl.No.7 in Namakkal V&AC., Cr.No.4/AC/2020 U/s 109, 409 IPC and 13(2) r/w 13(1) (c) and (d) of the Prevention of Corruption Act, 1988.

Accused:

1) Tr.P.Vijayakumar (53) Block Development Officer (Village Panchayat) / Special Officer Mohanur Block Formerly the Commissioner of Panchayat Union / Block Development Officer (Block Panchayat) Mohanur Block, Namakkal District.

2) Tr.M.K.Prabhakar (49) Block Development Officer (Village Panchayat) / Special Officer Kabilarmalai Block Formerly the Commissioner of Panchayat Union / Block Development Officer (Block Panchayat) Erumapatty Block, Namakkal District.

3) Tr.Saravanan Proprietor Q-tech Sales H.O. 101, 24 Anna Nagar, 1st Street, Opposite Sixer Complex, Saradha College Road, Salem-07 (Private Individual)

Continuation of FIR for Sl.No.12 in Namakkal V&AC., Cr.No.4/AC/2020 u/s 109, 409 IPC and 13(2) r/w 13(1) (c) and (d) of the Prevention of Corruption Act. 1988.

Accused:

AO-1 Tr.P.Vijayakumar (53),
Block Development Officer
(Village Panchayat) / Special
Officer,
Mohanur Block,
Formerly the Commissioner
of Panchayat Union / Block
Development Officer
(Block Panchayat),
Mohanur Block,
Namakkal District.

AO-2 Tr.M.K.Prabhakar (49),
Block Development Officer
(Village Panchayat) / Special
Officer, Kabilarmalai Block,
Formerly the Commissioner
of Panchayat Union / Block
Development Officer (Block
Panchayat),
Erumapatty Block,
Namakkal District.

A3 Tr.Saravanan,
Proprietor, Q-tech Sales,
H.O. 101, 24 Anna Nagar,
1st Street, Opposite Sixer
Complex,
Saradha College Road,
Salem-07.
(Private Individual)

AO-1 Tr.P.Vijayakumar had worked as the Commissioner of Panchayat Union / Block Development Officer (Block Panchayat), Mohanur Block between 08.02.2016 and 19.06.2017.

AO-2 Tr.M.K.Prabhakar had worked as the Commissioner of Panchayat Union / Block Development Officer (Block Panchayat), Erumapatty Block between 12.10.2015 and 30.04.2017.

AO-1 and AO-2 are public servants as defined under section 2(c) of the Prevention of Corruption Act 1988. A-3 Tr.Saravanan is a private Individual, Proprietor of Q-tech Sales, Salem.

The AO-1 and AO-2 are the Executive Authority of the office of the Panchayat Union of the concerned Panchayat (Unions) and they are the competent authority to Purchase equipments for the office of Panchayat Union from the Union Fund with the resolution of the Panchayat Union Council.

In G.O.Ms.No.392, Finance (Salaries) Department, dated:18.8.2009, the limit of low value procurement as mentioned in the clause (d) of section 16 of the Tamil Nadu Transparency in Tenders Act, 1998 and in Rule 33 of the Tamil Nadu Transparency in Tenders Rules, 2000 was fixed as Rs.25 Lakhs in value of construction and which is less than rupees 10 lakhs for all other categories of procurement inclusive of consultancies for construction.

According to the Tamilnadu Financial Code Volume-I, (Instruction No.9 under Rule II of Article 125), the Limited Tender Procedure should be adopted whenever the estimated value of the order to be given is more than Rs.10,000/- and below Rs.10 Lakhs ie., for Low value Procurement.

According to Note under Rule III of Article 125 of Tamilnadu Financial Code Volume-I, the authority going to purchase goods would be personally satisfied with the goods purchased is with requisite quality and specification and also the rate is reasonable and to ensure the supplier's reliability.

The AO-1, who was the competent authority to purchase equipments for Panchayat Union Office, Mohanur. AO-1 had obtained quotations from 3 companies namely 1) Micro Machine, Shop No-16, Trichy main road, Gugai, Salem-636 006, 2) GV Electronics, A-1, Bharathi Street, Swarnapuri, Salem and 3) Qtech Sales., H.O.101, 24 Anna Nagar, 1st Street, Opp. Sixer Complex, Saradha College Road, Salem-636 007 who quoted Rs.2,45,000/-, Rs.2,43,250/- and Rs.2,35,000/- respectively. The AO-1 had purchased the photo copy machine in the model of Xerox Work Centre 5325 with multi functions of 'A3' Copier, Printer, Color Scanner, Duplex, Networking, etc., for Rs.2,35,000/- including 5% VAT, Rs.11,190/- from Qtech Sales on 08.09.2016 as it quoted the lowest price of Rs.2,35,000/- than the other two companies. AO-1 also purchased a Stabilizer for the Xerox Machine from the same Qtech Sales for Rs.10,000/-. The AO-1 had issued cheque for Rs.2,45,000/- to the Qtech Sales.

Further, the AO-2 who was the competent authority to purchase equipments for Panchayat Union office, Erumapatty. AO-2 had sent letter for quotations to 1) Qtech Sales, 101, 24 Anna Nagar, 1st Street, Opp. Sixer Complex, Saradha College Road, Salem-636 007, 2) Hi-TECH Copier, 32/4-317, Ram Nagar, Swarnapuri 2nd Gate, Salem and 3) Micro Machine, Shop No-16, Trichy main road, Gugai, Salem-636 006 for purchase of Xerox Machine (Duplex, ADF with Net Work Printer & Color Scanner) on 12.7.2016. Then, AO-2 had received the quotations from the said companies and they quoted Rs.2,35,000/-, Rs.2,43,250/- and Rs.2,45,000/- respectively. The AO-2 had purchased a Photo copy Machine with Brand name 'Xerox work Centre 5325' with multi functions of Copier, Printer, Color Scanner, Duplex, Networking, etc., for Rs.2,35,000/- including 5% VAT Rs.11,190/- from Qtech Sales on 15.07.2016 as it quoted the lowest price of Rs.2,35,000/- than the other two companies.

Further, AO-2 had obtained the 'END OF LIFE' certificate for the Modi Xerox Photocopier Model WC 420, SERIAL NUMBER: 3501822719 which was installed on 29.9.2007, since the normal life of the said copier is 9 years and the parent company was already informed that the renewal for the said machine cannot be done. Hence, the Proprietor of Qtech Sales, Salem had given the Invoice for the purchase of said Xerox Work Centre 5325 copier for Rs.2,35,000/- and less Rs.5,000/- from the total cost for the old Xerox machine in Buy Back system. The AO-2 had issued cheque to Qtech Sales, Salem for Rs.2,25,400/- after deducting the 2% income tax ie., Rs.4,600/-.

The company had given the invoices without dates and without mentioning the Sl.Nos. of the Xerox machines delivered to the Panchayat Union offices concerned. Further,

- The same model with above multi function Xerox machine Costs in the market around Rs.1,30,000/- and the MRP is said to be Rs.1,82,000/-.

- The Qtech Sales had sold the same model Xerox Work Centre 5325 machine with stabilizer to one private company for Rs.1,95,000/- including 5 % VAT on 08.09.2016.

- No such companies namely 1) Hi-TECH Copier, 32/4-317, Ram Nagar, Swarnapuri 2nd Gate, Salem, 2) Micro Machine, Shop No-16, Trichy main road, Gugai, Salem-636 006 and 3) GV Electronics, A-1, Bharathi Street, Swarnapuri, Salem are functioning in the said addresses during the Quotation called for period. Hence, all those companies are fake.

- The quotations said to be furnished by the said companies were found without TIN numbers (Tax payer Identification Number). The proprietor of Qtech Sales himself prepared and furnished the said quotations with fake name and address.

The AO-1 and AO-2 had not followed the limited Tender Procedure as prescribed in G.O.Ms.NO.392, Finance (Salaries) Department, dated:18.8.2009 and Tamilnadu Financial Code Volume-I, (Instruction No.9 under Rule II of Article 125). Hence, the AO-1 and AO-2 violated the clause (d) of section 16 of the Tamil Nadu Transparency in Tenders Act, 1998 and Rule 33 of the Tamil Nadu Transparency in Tenders Rules, 2000.

The AO-1 and AO-2 had deliberately acted in favour of A3, the Proprietor, Qtech Sales, Salem in order to facilitate them for deriving wrongful gain and causing wrongful loss to the tune of Rs.45,100/- [Rs.2,40,100/- (-) Rs.1,95,000/-] and of Rs.30,400/- [Rs.2,25,400/- (-) Rs.1,95,000/-] respectively to the Government exchequer.

Therefore, AO1 Tr.P.Vijayakumar, Block Development Officer (Village Panchayat) / Special Officer, Mohanur Block, Formerly the Commissioner of Panchayat Union / Block Development Officer (Block Panchayat), Mohanur Block, Namakkal District and AO-2 Tr.M.K.Prabhakar, Block Development Officer (Village Panchayat) / Special Officer, Kabilarmalai Block, Formerly the Commissioner of Panchayat Union / Block Development Officer (Block

Panchayat), Erumapatty Block, Namakkal District being public servants by abusing their official position by attaining pecuniary advantage from A-3 Tr.Saravanan, Proprietor, Qtech Sales, Salem and had caused undue loss of Rs.45,100/- and Rs.30,400/- respectively to the Government exchequer and wrongful gain to A-3.

The above information clearly makes out a prima facie case against the accused u/s 109, 409 IPC and 13(2) r/w 13(1) (c) and (d) of the Prevention of Corruption Act, 1988. Prior permission for the registration of the case against AO-1 and AO-2 was obtained from the competent authority.

Therefore, today on 20.10.2020 at 14.00 hrs, I had registered a case in Namakkal Vigilance and Anti Corruption Crime No.4/AC/2020, u/s 109, 409 IPC and 13(2) r/w 13(1) (c) and (d) of the Prevention of Corruption Act, 1988 against the marginally noted accused and further investigation of this case was entrusted to Tr.A.T.Jaikumar, Deputy Superintendent of Police, Vigilance and Anti-Corruption, Namakkal as per the orders of the Director of Vigilance and Anti-Corruption, Chennai. The original F.I.R. was submitted to the Hon'ble Court of the Special Judge / Chief Judicial Magistrate, Namakkal and other copies were sent to the officers concerned.

(M.Nallammal) 20/10/2020
Inspector of Police,
Vigilance and Anti-Corruption,
Namakkal.