



CRL.O.P.No.8980 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8980 of 2021 and
CrI.M.P.No.5849 of 2021

V.Balakrishnan

... Petitioner

Versus

1.State by
The Inspector of Police,
Vigilance and Anti Corruption,
Erode.

2.M/s.Ministerial and Extension Employees,
Block Agricultural Extension Centre,
Erode Block, Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.4/AC/2019 dated 26.03.2019 on the file of the respondents and quash the same in so far as this petition is concerned.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.S.Udayakumar,
Government Advocate (CrI.Side)
for R1
No appearance for R2



CRL.O.P.No.8980 of 2021

ORDER

WEB COPY

The petitioner/A4 in Crime No.4/AC/2019 dated 26.03.2019 has filed this Criminal Original Petition to quash the same.

2.On the information received by the Ministerial and Extension Employees, Block Agricultural Extension Centre, Erode Block, Erode District, the second respondent herein, F.I.R. came to be registered against nine accused persons including the petitioner as A4. Earlier a Preliminary Enquiry was conducted and found that some of the Ministerial and Extension Employees, Block Agricultural Extension Centre, Erode Block, Erode District have mis-appropriated the Government funds in the execution of various Agricultural Schemes and gained sum from their illegal acts, by misusing their powers during the financial year between 2012-13 and 2015-16. A1 to A3 and A5 & A6 were working as Assistant Director of Agriculture (ADA), Agricultural Officer (AO), Depot Manager (Grade-II), Assistant Director of Agriculture (ADA), Agricultural Officer respectively and A4/petitioner, who joined as Junior Assistant and posted as Superintendent (Security)



CRL.O.P.No.8980 of 2021

WEB COPY

Agricultural Extension Centre, Annamalai, Coimbatore District, was working as Physical Verification Superintendent at the office of the Joint Director Agriculture, Coimbatore and A7 to A12 were working as Assistant Agricultural Officers (AAOs) at the relevant point of time. The duties and responsibilities of A1 and A5 were to implement all agricultural schemes, to act as Seed Producers for all Seed Production Scheme and all settlement authority for all input equipments and implements and other contingencies, act as controlling officers for all block level staff, Annual verification and surprise verification of Agricultural Extension Centers, Reconciliation of Statement for receipt and expenditures, Supervision of field level activities, transfer of technology at field level, publicity of works and input management and etc. A2 and A6, who are responsible for all the agricultural schemes, entrusted for implementation in their jurisdiction through AAOs., to maintain the accounts, physical verification of cash and stock entries attestation etc. and to supervise the seed farms and procurement made as per target. A7 to A2 are responsible for production and productivity of all agricultural crops, for arranging group meetings, field days, seminars,



CRL.O.P.No.8980 of 2021

WEB COPY

pre-season campaigns etc. A3 was responsible for maintaining all stocks properly in Erode Depot, issuing all seeds and other subsidy items to the farmers etc. A4, the petitioner herein, who was working as Physical Verification Superintendent, responsible for physical verification of Agricultural Depots, Sub Depot and State Seed Farm and checking the maintenance of register, which shows due in each Agricultural Extension Centre and Sub-Centre and recoveries made and for the following work of Junior Assistant i.e. correspondence relating to surprise physical verifications of depots carried out by him, annual stock account of depots and stores, checking of personal register, periodical register and other allied register maintained by Junior Assistant, checking of stock file and subject files etc. While implementing the various agricultural schemes, A1 to A3 during their respective tenure at Agricultural Extension Centre, Erode Block, have created false bills, records etc. in the execution of Agricultural Schemes and misappropriated the Government funds in the supply of paddy seeds to the farmers under Government subsidy rate and in the supply of Mini kits exclusively intended for the farmers cultivating groundnuts and in the release of subsidy amounts intended for various



CRL.O.P.No.8980 of 2021

WEB COPY

agricultural schemes through Banks. During the financial year 2014-15, more amount was spent as subsidy under National Agricultural Development Programme (NAD) for paddy seed in which Rs.10 per kilogram was given as subsidy to the farmers. While implementing the said scheme, the accused colluded with each other, fabricated applications, cash bill and subsidy register in the names of existing farmers and forged the signatures of the farmers and thereby, dishonestly misappropriated the Government subsidy amount. Hence, a case was registered against the above accused for offence under Sections 109, 167, 465, 467, 468, 471, 474, 477-A, 409, 420 IPC and 13(2) read with 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988.

3.The contention of the petitioner/A4 is that he joined as Junior Assistant (Security) in the year 1984 and posted as Superintendent (Security) Agricultural Extension Centre, Annamalai, Coimbatore District and he worked as Superintendent Physical Verification from September 2014 to July 2018, covering three blocks namely, Coimbatore, Tirupur and Erode Districts and he inspected all the area properly and



CRL.O.P.No.8980 of 2021

WEB COPY

submitted his report to concerned Joint Director, Agriculture, Coimbatore and he had not committed any offence, during the relevant period of time.

4.Learned counsel for the petitioner submitted that some officers of the Agricultural Department, Erode Block misused their power and gained sum from their illegal acts when the petitioner was served as Physical Verification Superintendent in Erode District for 3 blocks. While so, when the petitioner was in inspection of the said block at Erode District, he verified all the stock registers and all other records maintained in Erode Block and he reported to the office of the Joint Director Agricultural Department, Coimbatore. When the petitioner had made diligent inspection in Erode Block twice in the year 2015 and finding that there was no shortage, submitted his report before the Joint Director Agriculture, Coimbatore, the allegations against the petitioner that he has not verified the stocks and registers 100% and he had made entries without verification are concocted. Merely because of the fact that he was found during surprise check, he is not held liable for the above offence. Learned counsel for the petitioner further submitted that though

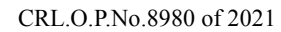


CRL.O.P.No.8980 of 2021

WEB COPY

the F.I.R. has been registered as early as on 26.03.2019, the investigation is yet to be completed and the petitioner was unnecessarily added as accused in the criminal case and the petitioner, who is going to retire from December 2023 from the Government service, has put in unblemished service of 40 years and he has got two daughters at the age of marriage and due to the pendency of the case, the alliance could not be properly arranged for his daughters. Further, the petitioner's terminal benefits would be withheld stating the pendency of the criminal case. Moreover, the petitioner does not own any residential house and he is on the rental accommodation.

5.From the counter filed by the respondents, it is seen that the petitioner, while working in the Agricultural Extension Centre, Erode Block, had created false bills, records etc. in the execution of Agricultural Schemes and misappropriated the Government funds. Admittedly, the petitioner was not posted in the Agricultural Extension Centre, Erode Block and he has been posted in the office of Joint Director, Coimbatore, wherein he have to cover three districts and only at



6. Learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the investigation is in progress and so far 32 statements recorded and 265 documents were collected and more witnesses to be examined and documents to be verified and of the documents were sent for forensic Department. He would submit that during investigation, if the allegations are proved, steps would be taken against the petitioner and he might be referred to departmental enquiry. Only after proper investigation and collection of materials, a conclusion could be reached. At this stage, it cannot be stated that the petitioner had not committed any offence.

7. Heard the learned counsel for the petitioner as well as the



CRL.O.P.No.8980 of 2021

WEB COPY

learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

8.It is seen that the petitioner was incharge of three Districts and he used to visit the agricultural extension depots. During such visits, in Erode depot, it was found that there are discrepancies with regard to entry in the registers and stock verification and also with regard to distribution of amount. Certain allegations were also made against the petitioner with regard to mis-appropriation of the Government funds in the execution of various Agricultural Schemes, which is the matter for investigation.

9.It is now submitted that the investigation is at the crucial stage. It is the contention of the petitioner that he has put in nearly 40 years of unblemished service and his social status can be considered sympathetically.

10.Since the allegations made against the petitioner are to be



CRL.O.P.No.8980 of 2021

WEB COPY

decided only during the investigation, it is for the Investigating Officer to take a call on the materials collected and and to take appropriate steps depending upon the collection of evidences and records. With the above observation and direction, this petition stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

02.11.2022

vga

Index: Yes/No



CRL.O.P.No.8980 of 2021

WEB COPY

To

- 1.State by
The Inspector of Police,
Vigilance and Anti Corruption,
Erode.
- 2.M/s.Ministerial and Extension Employees,
Block Agricultural Extension Centre,
Erode Block, Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL.O.P.No.8980 of 2021

M.NIRMAL KUMAR, J.

vga

CRL.O.P.No.8980 of 2021 and
CrI.M.P.No.5849 of 2021

02.11.2022