

**BEFORE THE HON'BLE COURT OF ENQUIRY COMMISSIONER AND SPECIAL  
JUDGE, THIRUVANANTHAPURAM**



**FIRST INFORMATION REPORT**

(Under Section 154 Cr. P. C)

1. District : Kollam  
Police Station : Vigilance & Anti-Corruption Bureau, Kollam Unit.  
Year : 2017  
FIR NO : VC -02/2017/KLM  
Date : 31-07-2017

2. Act : IPC section : U/s.120 B r/w 420 IPC  
Act : PC Act sections : Sec.13 (2) r/w 13(1)(d) of PC Act, 1988

3. (a) Occurrence of Offence :

Day : ..... Date from : **July,2014** Date to : **December,2014**  
Time Period : ..... Time from : ..... Time to : .....

(b) Information Received at Police Station:

Date : **31-07-2017** Time : **16.30** Hrs

(c) General Diary Reference Entry No(s): **08** Time : **16.30** Hrs

4. Type of Information : **Written Complaint** Written/Oral

5. Place of Occurrence : **At Kollam**

(a) Direction & Distance from PS : **Towards East, Approx. 3 Kms**

(b) Address : **Kerala State Cashew Workers Apex  
Industrial Co-operative Society LTD  
(CAPEX), Kollam**

(c) In case outside limit of this Police Station, then the Name of PS : N.A

6. Complainant / Informant :-

(a) Name : **Kadakampally Manoj**

(b) Father's/Husband's Name : **S/o Kuttappan**

(c) Date/Year of Birth : .....

(d) Nationality : **Indian**

(e) Passport No. : ..... Date of issue ..... Place of issue .....

(f) Occupation : **Trade Union work**

(g) Address : **Kadakampally House, Near Kochu koonampayi Temple,  
Mulluvila, Kollam.**

Details of known / suspected / unknown accused with full particulars:

- (i) **Jayachandran.R. Age-45, S/o Ramachnadran Pillai, former Managing Director, CAPEX, Kollam residing at Puthuveetil Varampil, Neendakara P.O, Kollam.**
- (ii) **P.Santhoshkumar, Age-51, S/o G.Pankajaksha Panicker, Commercial Manager, CAPEX, Kollam, residing at Kavyam, Prasanthi Nager-90 B, Vadakkevila.P.O, Kollam**
- (iii) **Sri Jaimon Joseph, Aged 47 years, S/o Chacko Joseph, Kuttumala kunnel, Omallur, Kothanallur Village, Vaikom, Kottayam (Proprietor, M/s J.M.J Traders, Manjoor P.O, Kuruppanthara, Kottayam)**
- (iv) **C.S Sajan, Executive, M/s.Synergy Systems, Parvathy Towers, Near Asianet Complex, Kadappakkada, Kollam-8**

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

9. Particulars of properties stolen / involved : NA

10. Total value of properties stolen / involved : NA

11. Inquest Report / U.D. Case No. if any : NA

12. **First Information contents :**

The case is that A-1 Sri Jayachandran.R, Former Managing Director, Kerala State Cashew Workers Apex Industrial Co-operative Society LTD (CAPEX Ltd.), Kollam and A-2 Sri P.Santhoshkumar, Commercial Manager CAPEX Ltd; entered into a criminal conspiracy with A-3 Sri Jaimon Joseph, Proprietor of M/s J.M.J Traders, Kottayam and A-4 Sri C.S Sajan, Executive, M/s.Synergy Systems, Kollam during the month of July,2014 to December,2014 at Kollam, with intention to cheat the Government of Kerala by awarding tender to M/s J.M.J Traders without adhering to the norms tender process. A-1 and A-2 being Public Servants abused their official positions as such Public Servants and connived at the fraudulent business transactions such as supply of inferior quality of RCN to CAPEX by A-3, acceptance of single tender, execution of single tender, execution of agreements with the black listed company run by A-3, re-tendering when bidders other than M/s JMJ Traders quotes lowest rate etc as alleged by the defacto complainant in his complaint. A-3 in pursuance to the conspiracy existed with the accused persons, fraudulently and dishonestly supplied inferior quality raw cashew nuts to the factories of CAPEX. A-4 Sri C.S Sajan, Executive, M/s.Synergy Systems, Kollam issued the 'Certificate of Weight and Quality' without proper physical examination and cutting-test. The above illegal award of contract

and subsequent supply of substandard raw cashew nuts, prima facie caused a wrongful loss of **Rs.3,59,75,154/-** and the actual loss would be very high if the entire transaction during the alleged period from the year 2011 to 2015 is covered and the same would be the corresponding wrongful gain to the accused persons. Thus, A-1 to A-4 committed the offences U/s.13(2) r/w 13(1)(d) of PC Act,1988 and Sec.120 B r/w 420 IPC.

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 investigation / directed **Sri. .M.M Jose, Inspector of Police** to take up the investigation / refused investigation / transferred to Police Station ..... on point of Jurisdiction.

FIR read over to the complainant / informant, admitted to be correctly recorded and a copy is given to the complainant / informant free of cost.

14. Signature/Thumb impression  
of complainant/informant

Signature of the Officer in-charge of  
Police Station

15. Date & Time of despatch  
To the court:  
Date : **31/07/2017** Time : **17.30 Hrs**

Name : **Asoka Kumar .K**

Rank : **Deputy Superintendent of Police,  
Vigilance & Anti-Corruption Bureau,  
Kollam Unit.**

### **FIRST INFORMATION**

Sri, Kadakampally Manoj, Vadakkevila P.O, Kollam filed a petition before the Director, VACB, Thiruvananthapuram alleging corruption and irregularities in CAPEX, Kollam. The same was forwarded to this unit for conducting a quick verification vide reference No.E2 (QV-16/16/KLM) 18735/16 dated 14/06/2016 of the Director, VACB, Thiruvananthapuram.

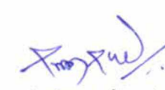
The Quick Verification conducted prima facie disclosed that the illegal award of contract and subsequent supply of poor quality Raw Cashew Nuts violating the tender specifications and conditions prima facie caused a wrongful loss of **Rs.3,59,75,154/-** (Rupees Three crores, fifty nine lakhs, seventy five thousand, one hundred and fifty four only) and the actual loss would be very high if the entire transaction during the period from 2011 to 2015 is covered and the same would be the corresponding wrongful gain to the accused persons. Only two purchases made by CAPEX during the period of allegation, i.e., from 2011 to 2015 were subjected for verification in this Quick Verification (QV).

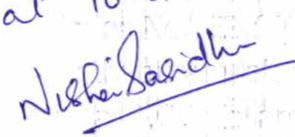
The verification prima facie revealed that considerable quantities of low graded poor quality Raw Cashew Nuts were supplied by M/s JMJ Traders (A-3) by violating the tender specifications and conditions. A4 in conspiracy with A1 to A3 did not conduct a proper cutting test. There existed a criminal conspiracy hatched among the Public Servants (A-1 & A-2), Contractor (A-3) and Surveyor(A-4) in the matter of High Seas Import of substandard RCN, its quality tests conducted by the surveyor and the supply of the same to CAPEX which in turn resulted in huge loss to the public exchequer. In pursuance of the criminal conspiracy and abuse of official position of the Public Servants, CAPEX suffered pecuniary loss in the following manner:

- (i) Loss incurred to CAPEX due to the unauthorized extension of contract period to M/s JMJ Traders in the supply of GB origin RCN.
- (ii) Loss incurred to CAPEX due to variation in count of Tanzanian origin RCN supplied by M/s JMJ Traders.
- (iii) Loss incurred to CAPEX due to import of 'Dar es salam' quality of RCN instead of 'CDJKL' quality by M/s JMJ Traders.
- (iv) Loss incurred to CAPEX due to the supply of Tanzanian origin RCN after the end of contract period and Tanzanian season, i.e., supply of 3<sup>rd</sup> crop instead of 1<sup>st</sup> crop.

In view of the above facts and circumstances, the allegations raised by the complainant in his petition prima facie found to be genuine and cognizable under the Prevention of corruption Act,1988. On the consideration of the Quick Verification Report; Director, Vigilance & Anti Corruption Bureau, Thiruvananthapuram accorded sanction to register this case on 29-07-2017. Hence this FIR.

Copy of Order No. E2 (QV-16/16/KLM) 18735/16 dated 14/06/2016 of the Director, VACB, Thiruvananthapuram along with copy of a written complaint of Sri Kadakampally Manoj, Vadakkevila P.O, Kollam addressed to the Director, Vigilance & Anti Corruption Bureau and copy of the Quick Verification Report are enclosed herewith:

  
Dy. Superintendent of Police,  
Vigilance & Anti Corruption Bureau,  
Kollam.

Received the FIR in VC 2/2017/KLM  
1/8/2017 at 10.25 AM.  
  
Manager

