

FIRST INFORMATION REPORT (Under Sec.154 Cr.P.C.)

Book No.1352

Serial No. 15

1. District : PS: Year: FIR No.: Date:
New Delhi CBI/SC-III/ND 2019 RC-1(A)/2019/SC-III/ND 02.01.2019
2. (1) Act IPC Sections : **120-B read with 379, 384, 420 & 511.**
(2) Act **Prevention of Section : 13(2) read with 13 (1) (d).**
Corruption Act, 1988. [Prior to the amendment dated 27.07.2018].
3. (a) Suspected Offence - **Criminal Conspiracy, Theft, Extortion, Cheating & Attempt to commit Offence & Crl. Misconduct].**

Date & Time of Offence - Year **2012 and onwards.**

Information received at PS: **CBI, SC-III, New Delhi**

Entry No.: **08** Date: **02.01.2019** Time: **1730 hrs.**
4. Type of information (Written / Oral): **Written**
5. Place of occurrence
(a) Direction & Distance from PS: **District – Hamirpur, UP and other places.**
Beat No. – -
(b) In case, outside the limit of this Police Station, then

Name of PS - District -
6. Complainant / Informant.
(a) Name : **SHRI K.P. SHARMA,**
(b) Designation : **DEPUTY SUPDT. OF POLICE**
(c) Branch : **CBI/SC-III/NEW DELHI**
(d) Nationality : **INDIAN**
(e) Passport No. - Date of Issue - Place of issue -
(f) Profession :
(g) Address :

7. Details of known/suspected/unknown accused with full particulars: -
(Attached separate sheet, if necessary)

- (1) Smt. B. Chandrakala, IAS, (UP: 2008), then posted as District Magistrate, Hamirpur;
- (2) Shri Moinuddin, the then Geologist/Mining Officer, Hamirpur,
- (3) Shri Ram Ashrey Prajapati, the then Mining Clerk; Hamirpur
- (4) Shri Ramesh Kumar Mishra s/o Shri Kunwar Bahadur Mishra, Permanent R/o Village, PS & PO – Modha, Hamirpur; (Lease holder);
- (5) Shri Dinesh Kumar Mishra s/o Shri Kunwar Bahadur Mishra, Permanent R/o Village, PS & PO – Modha, Hamirpur (Lease holder);
- (6) Shri Ambika Tiwari @ Bablu Mishra s/o Shri Ramfal, R/o village – Kamokhar, PS – Biwar, Tehsil – Modha, Hamirpur; (Lease holder);
- (7) Shri Sanjay Dixit @ Sanjeev Kumar Dixit s/o Shri Satyadev Dixit, R/o 2, Sufiganj, Hamirpur (Lease holder);
- (8) Shri Satyadev Dixit, r/o 2, Sufiganj, Hamirpur (Lease holder);
- (9) Shri Ramavtar Singh s/o Shri Tejram Singh, Permanent r/o Village & PO – Pidari, PS – Ate, Tehsil – Konch, Distt. Jalon (Lease holder);
- (10) Shri Karan Singh s/o Late Harnarayan Singh, r/o 257, Ganesh Ganj, Distt. Jalon (Lease holder);
- (11) Shri Adil Khan s/o Late Ashif Ashraf, R/o Azmi Villa, Sevenway Lane, Joplink Road, Lucknow & Delhi R/o E-239, 3rd Floor, Amar Colony, Lajpat Nagar-IV, New Delhi (Illegal Excavator) &
Unknown public servants and other unknown persons;

8. Reasons for delay in reporting by the complainant/informant.: **NO DELAY**

9. Particulars of properties Stolen (Attach separate sheet, if necessary): -

10. Total value of property stolen: -

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

12. First information contents (Attach separate sheet, if required):

Complaint dated 02.01.2019 of Shri K.P. Sharma, Dy.SP.CBI.SC-III. New Delhi is enclosed herewith, in original. The contents of the aforesaid complaint are reproduced below:-

"To

*The Superintendent of Police,
CBI/SC-III,
New Delhi.*

Sub:- Registration of a Regular Case in respect of illegal mining of minor minerals carried out in District – Hamirpur, U.P., with collusion of State authorities – regarding.

Sir,

Pursuant to the Order dated 28.07.2016 of Hon'ble High Court of Judicature at Allahabad, passed in PIL (Civil) No. 22482/2016 (Amar Singh vs State of UP & others) and PIL (Civil) No.29115/2016 (Sonu Kumar v/s State of UP & others), an enquiry on the aspect of illegal mining of minor minerals in District - Hamirpur, U.P., was conducted.

The enquiry revealed that during the years 2012 to 2016, (1) Smt. B. Chandrakala, IAS,(UP: 2008), the then District Magistrate, Hamirpur, in criminal conspiracy with (2) Shri Moinuddin, the then Geologist/Mining Officer, Hamirpur, (3) Shri Ram Ashrey Prajapati, the then Mining Clerk, Hamirpur; all State Government employees and pursuance thereof; allowed the private persons (lease holders), namely, (4) Shri Ramesh Kumar Mishra s/o Shri Kunwar Bahadur Mishra, Permanent R/o Village, PS & PO - Modha, Hamirpur; (5) Shri Dinesh Kumar Mishra s/o Shri Kunwar Bahadur Mishra, Permanent R/o Village, PS & PO - Modha, Hamirpur; (6) Shri Ambika Tiwari @ Bablu Mishra s/o Shri Ramfal, r/o village - Kamokhar, PS - Biwar, Tehsil - Modha, Hamirpur; (7) Shri Sanjay Dixit @ Sanjeev Kumar Dixit s/o Shri Satyadev Dixit, r/o 2, Sufiganj, Hamirpur; (8) Shri Satyadev Dixit, r/o 2, Sufiganj, Hamirpur; (9) Shri Ramavtar Singh s/o Shri Tejram Singh, Permanent r/o Village & PO - Pidari, PS - Ate, Tehsil - Konch, Distt. Jalon; (10) Shri Karan Singh s/o Late Harnarayan Singh, r/o 257, Ganesh Ganj, Distt. Jalon; (11) Shri Adil Khan s/o Late Ashif Ashraf, r/o Azmi Villa, Sevenway Lane, Joplink Road, Lucknow and Delhi R/o E-239, 3rd Floor, Amar Colony, Lajpat Nagar-IV, New Delhi and (12) Unknown public servants and other unknown persons; allowed illegal mining of minor minerals in District - Hamirpur, U.P., during the years 2012 to 2016, thereby causing wrongful loss to the Government exchequer and undue gain to themselves.

Enquiry revealed that the above named Government Servants in criminal conspiracy with each other illegally granted fresh leases, renewed existing leases and permitted obstructed period to the existing lease holders, without following the e-tendering procedure as mentioned vide Govt. of Uttar Pradesh Order dated 31.05.2012 duly upheld by the Hon'ble High Court of Allahabad vide its Order dated 29.01.2013 in the Civil Writ Petition No.37725/2012 (Nar Narain Mishra & others v/s State of U.P. & others). Further, other persons were allowed to excavate minor minerals illegally, to commit theft of the minor minerals and to extort money from the lease holders as well as from the drivers of the vehicles transporting minor minerals.

Thus, allegations constitute commission of theft, extortion, cheating and criminal misconduct, punishable u/s 120-B r/w 379, 384, 420, 511 IPC and also under Sec. 13(2) r/w Sec. 13(1)(d) of Prevention of Corruption Act, 1988 (Prior to amendment dated 27.07.2018).

The role of the then Mining Ministers concerned during the relevant period may be looked into during the course of investigation of the case.

In view of the above, it is requested that a Regular Case may please be registered against above named accused persons for commission of offences u/s 120-B r/w 379, 384, 420, 511 IPC and Sec. 13(2) r/w Sec. 13(1)(d) of Prevention of Corruption Act, 1988 (prior to amendment dated 27.07.2018).

Yours faithfully,

Sd/-
(K.P. Sharma)
DSP.CBI.SC-III.ND.

Date: 02.01.2019

13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2.

(1) Registered the case and took up the investigation or

(2) Directed (Name of IO) Rank : Shri N.K. Pathak,
Addl. Supdt. of Police
CBI, Special Crime-III, New Delhi

(3) Refused investigation due to or : N.A.

(4) Transferred to PS - District - on point of jurisdiction -

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

R.O.A.C.

14. Signature/Thumb Impression
of the complainant/informant


Signature of Officer in-charge 2/1/19
Police Station: CBI/SC-III/N Delhi
Name: Basil Kerketta
Rank: Supdt. of Police/CBI/SC-III
विजय अपराध-III / Special Crimes-III
सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली-110 003
CGO Complex, Lodhi Road, New Delhi-110 003

15. Date and time of dispatch to the Court

Signature of recording Officer with date

Attachment to item 7 of First Information Report

S.No.	(Sex)	Date/Year of Birth	(Built)	(Height) (in cms)	(Complexion)	(Identification Mark/s)
1	2	3	4	5	6	7
-	-	-	-	-	-	-

(Deformities/ peculiarities)	(Teeth)	(Hair)	(Eye)	(Habits)	(Dress Habit/s)
8	9	10	11	12	13
-	-	-	-	-	-

Place of

(Language / Dialect)	(Burn Mark)	(Leucoderma)	(Mole)	(Scar)	(Tattoo)
14	15	16	17	18	19
-	-	-	-	-	-

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

CONFIDENTIAL

Endst. No. _____/3/1(A)/2019/SC-III/CBI/ND

Dated: _____.01.2019

Copy forwarded to the following for information & further necessary action:-

- (1) The Registrar General, Hon'ble High Court of Allahabad w.r.t. PIL Nos.22482 & 29115 of 2016.
- (2) The Chief Secretary, Govt. of Uttar Pradesh, Lucknow, UP.
- (3) The Special Judge, CBI/SPE Cases, Lucknow, U.P.
- (4) The HoZ (SC), CBI, SC-III, New Delhi.
- (5) The HoB/DIG, CBI, SC-III, New Delhi.
- (6) Shri N.K. Pathak, ASP, CBI, SC-III, New Delhi
- (7) Crime Section, CBI/SC-III/New Delhi
- (8) Guard File.

Basil Kerketta
(Basil Kerketta) 2/1/19
SUPDT. OF POLICE
CBI/SC-III/New Delhi
बुलैटिफ के केडी/ BASIL KERKETTA
केंद्रीय अन्वेषण ब्यूरो/ Central Bureau of Investigation.
विशेष अपराध-III/ Special Crimes-III
सी.जी.ओ. कॉम्प्लेक्स, लोधी रोड, नई दिल्ली- 110 003
CGO Complex, Lodhi Road, New Delhi-110 003