

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

(प्रथम सूचना रिपोर्ट)

(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): STATE VIGILANCE AND

P.S.(थाना): SHIMLA

Year(वर्ष): 2022

FIR No(प्र.सू.रि.सं.): 0004

Date & Time of FIR (एफआईआर की तिथि / समय):

22/09/2022 04:39 PM

2. S.No.(क्र.सं.)	Acts(अधिनियम)	Sections(धारा(एँ))
1	PREVENTION OF CORRUPTION ACT, 1988	7
2	PREVENTION OF CORRUPTION ACT, 1988	8

3. (a) Occurrence of offence (अपराध की घटना):

1. Day(दिन): Intervening Day

Date From(दिनांक से): 16/04/2020

Date To(दिनांक तक): 17/04/2020

Time Period (समय अवधि):

Time From (समय से): 12:00 AM

Time To (समय तक): 12:00 AM

(b) Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई):

Date(दिनांक): 22/09/2022

Time (समय): 02:00 PM

(c) General Diary Reference (रोजानामचा संदर्भ):

Entry No.(प्रविष्टि सं.): 006

Time (समय): 22/09/2022 04:09 PM

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S (थाना से दूरी और दिशा): EAST, 4 Km(s)

Beat No(बीट सं.):

(b) Address(पता): DHS office SDA Complex Kasumpti, Shimla

(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो)

Name of P.S(थाना का नाम):

District(State)(ज़िला(राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name(नाम): Kailash Chand Sharma

(b) Father's/Mother's/Husband's Name (पिता / माता / पति का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 13/06/1983

(d) Nationality (राष्ट्रियता): INDIA

(e) UID No (यूआईडी सं.):

(f) Passport No. (पासपोर्ट सं.):

Date of Issue (जारी करने की तिथि):

Place of Issue (जारी करने का स्थान):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No.(क्र.सं.)	Id Type(पहचान पत्र का प्रकार)	Id Number(पहचान संख्या)
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(i) Address(पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	VILLAGE-SV ACB Shimla, PS-NEW SHIMLA, DISTRICT-SHIMLA, STATE-HIMACHAL PRADESH, INDIA
2	Permanent Address	VILLAGE-SV ACB Shimla, PS:NEW SHIMLA, DISTRICT-SHIMLA, STATE-HIMACHAL PRADESH, INDIA

(j) Phone number (दूरभाष न.):

Mobile (मोबाइल)

7. Details of known/suspected/unknown accused with full particulars (जात/ संदिग्ध/अज्ञात अभियुक्त का पुरे विवरण सहित वर्णन):

Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

S.No. (क्र.सं.)	Name (नाम)	Relative's Name(रिश्तेदार का नाम)	Present Address (वर्तमान पता)	Parmanent Address (स्थायी पता)
1	Dr. Ajay Kumar Gupta	Father:Lt. Sh Prem Chand	VILLAGE-Nagal Suketi PO Moginand , TEHSIL-Nahan , PS-NAHAN,DISTRICT-	VILLAGE-Nagal Suketi PO Moginand , TEHSIL-Nahan , PS-NAHAN,DISTRICT-

			SIRMAUR, STATE-HIMACHAL PRADESH, INDIA	SIRMAUR, STATE-HIMACHAL PRADESH, INDIA
2	Bal Ram		PS-SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB), STATE-HIMACHAL PRADESH, INDIA	PS-SHIMLA, DISTRICT-STATE VIGILANCE AND ANTI-CORRUPTION BUREAU (SV & ACB), STATE-HIMACHAL PRADESH, INDIA

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (Attach separate sheet, if necessary) (संबन्धित सम्पत्ति का विवरण (यदि आवश्यक हो, तो अलग पृष्ठ नत्थी करें)):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति के प्रकार)	Nature Property (प्रकृति संपत्ति)	Description (विवरण)	Value(In Rs/-) (मूल्य (रु में))
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10. Total value of property stolen (In Rs/-) (चोरी हुई सम्पत्ति का कुल मूल्य (रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण न., यदि कोई हो):

S.No. (क्र.सं.)	UIDB Number (यू.आई.डी.बी.संख्या)
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12. First Information contents (Attach separate sheet, if necessary) (प्रथम सूचना तथ्य (यदि आवश्यक हो, तो अलग पृष्ठ नत्थी करें)):

That a report in conversation between Sh. Bal Ram and Doctor Ajay Kumar Gupta, the then Director of Health Services, HP was prepared by Enquiry officer, Dy SP Kailash Sharma, SV&ACB, SIU, Shimla and sent to the Govt of HP through VHQ for according necessary permission to register a regular case against Dr. Ajay Kumar Gupta, the then Director of Health Services, HP. The necessary permission for registration of case has been received from GoHP through VHQ letter No. SV&ACB (R/HQ) Case (SML) 04/2020-19651 dated 17.09.2022. A letter No. SV&ACB (R/HQ) Case (SML) 04/2020-19651 dated 17.09.2022 of SP, SV&ACB, SIU, Shimla has been received in this PS along with permission u/s 17A of PC (Amended) Act, 2018 accorded vide order No. Per (A-I) B (14)-2/2022 dated 12th September, 2022 of Special Secretary (Personal) to the GoHP and report of Enquiry officer along with annexure -1 to 6 for registration of a criminal case. The brief contents of Report of E.O is as under:- In compliance to VHQ letter No. SV &ACB(R-SIU-HQ) case No. 04/2020 (sml)/FI-2709 dated 10.02.2021, a matter which suggested bribery/ criminal misconduct/ misconduct on the part of public servant (s) during the investigation of case FIR No. 4/2020 dated 20.02.2020 u/s 7& 8 of PC (Amendment) Act, 2018, PS, SV&ACB, Shimla has come in light vide conversations/call recordings between Mob. No. 9872495807 (the mobile Number is saved in the name of one Sh. Bal Ram) and Dr. Ajay Kumar Gupta, which were retrieved by SFSL from the Mobile Phone of Dr. Ajay Kumar Gupta among other conversations. The detail of events / Conversations of call recordings/ documents relevant to the instance are as follows:- (i) On 16.04.2020, a conversation of duration 19.44 min. took place between Dr Ajay Kumar Gupta, the then DHS and Sh. Bal Ram, wherein Dr Ajay Kumar Gupta informed Sh. Bal Ram that he was in meeting at CM Residence regarding deciding as to which Plunger is to be purchased, so that a small order in the name of Veer Ji (i.e. Bal Ram) is made out, on the basis of which share/ cut in the same would be ensured. Further, Dr Ajay Kumar Gupta asked Bal Ram that whether he received any amount, on which Bal Ram told that he received some amount, but he was not sure about the same. To enquire the same, Bal Ram made a call to that unknown person (whose name is not disclosed in the conversation), on which the said unknown person told Bal Ram that as per deal, cut / share is Rs. 85000/- per machine, as difference between Rs. 5,10,000 and Rs. 4,25,000 comes out to be Rs. 85,000. It is also told that Rs. 18,000/- are to be deducted as expenditure on the same. In the said conversation, Sh. Bal Ram informed Dr. Ajay Kumar Gupta that he will keep his words, as per his commitment at any cost. Sh. Bal Ram further informed Dr. Ajay Kumar Gupta that payment of Rs. 85,000/- per machine for five machines will be taken/ grabbed, out of which 80% will be of Dr. Ajay Kumar Gupta) and 20% would be of Bal Ram. Furthermore, Sh. Bal Ram added that unknown person (name not disclosed in the conversation) deducted Rs. 18000/- for cartridge. Now, the share/cut

remains Rs. 4.7 lacs. In addition to this, Sh. Bal Ram informed Dr. Ajay Kumar Gupta that in regard to cassettes, 80% of Dr. Ajay Kumar Gupta and 20% of Bal Ram. In said conversation both calculated the share / cut amounting to Rs. 3.36 i.e. Rs. 3,36,000/- in machines and cassettes etc. After that Dr. Ajay Kumar Gupta asked Sh. Bal Ram that how would he i.e. Sh. Bal Ram gather /fetch the said amount. Finally, Dr. Ajay Kumar Gupta demanded Rs. 3.40 lacs from Sh. Bal Ram and informed him that Rs. 3.40 lacs be deposited in the SBI Account. Dr. Ajay Kumar Gupta told Sh. Bal Ram that he will provide SBI A/c. In addition to this, Dr. Ajay Kumar Gupta and Sh. Bal Ram discussed about supply order of thermal scanner and cut /share of Dr. Ajay Kumar Gupta in that purchase was also discussed. The said deal was being done on the higher rate, as Dr. Ajay Kumar Gupta was telling him i.e. Bal Ram that thermal scanners were easily available at Rs. 6300/- plus taxes. Though both were negotiating the same and Sh. Bal Ram was insisting Sh. Ajay Kumar Gupta that he will provide the same from his own firm which is in the name of his brother-in law at Delhi and he was offering the same for Rs. 8800/- including taxes and share/cut of Dr. Ajay Kumar Gupta i.e. Rs. 1500/- per unit. (ii) On 17.04.2020, a conversation of duration 3 min. took place between Dr Ajay Kumar Gupta, the then DHS and Sh. Bal Ram, wherein Dr Ajay Kumar Gupta informed Sh. Bal Ram that he has sent whatsapp to him. Dr. Ajay Kumar Gupta further informed him about A/c No., IFSC code, SBI A/c Holder i.e. Renu Bala and Branch of SBI i.e. SBI Ambala Cantt. Dr. Ajay Kumar Gupta vehemently informed him that A/c No. be filled carefully and once the transaction is complete, make a call. (iii) On 17.04.2020, another conversation of duration 14 sec. took place between Dr Ajay Kumar Gupta, the then DHS and Sh. Bal Ram, wherein Sh. Bal Ram informed Dr Ajay Kumar Gupta that he has seen the whatsapp and he will call accordingly. (iv) It is pertinent to mention here that the whatsapp images were also retrieved by the SFSL from the mobile phone of Dr. Ajay Kumar Gupta. Wherein among other whatsapp images, an image dated 17.04.2020 having handwritten detail of A/c No. 10333598927 (IFS Code-SBIN0002468) in the name of Smt. Renu Bala (his sister-in-law) maintained at SBI Ambala Cantt was found. This aspect is corroborated vide conversation took place between Sh. Bal Ram and Dr. Ajay Kumar Gupta on 17.04.2020. (v) Furthermore, on 17.04.2020, an amount of Rs. 3,40,000/- was found to be deposited in the SBI A/c No. No. 10333598927 in the name of Smt. Renu Bala maintained at SBI Ambala Cantt. From above, it is inferred that Sh. Bal Ram allured/induced Dr. Ajay Kumar Gupta by offering 80% share/ cut in five machines and cassettes etc. (particular of brand/firm and machine and cassettes are not disclosed in the conversation) supplied to the Health Department. In this regard, Dr. Ajay Kumar Gupta being a public servant demanded an amount of Rs. 3, 40,000/- and the same was accepted /obtained by him in the SBI A/c No. No. 10333598927 (IFS Code-SBIN0002468) in the name of Smt. Renu Bala (his sister-in-law) maintained at SBI Ambala Cantt. Hence, prima facie offence u/s 7 and 8 PC (Amended) Act, 2018 is made out against Dr. Ajay Kumar Gupta and Sh. Bal Ram above. Sd. Kailash Sharma, HPS, Dy.SP, SV&ACB SIU Shimla-2. Action taken: From the contents of the report, a case for offences punishable u/s 7 and 8 of Prevention of Corrupt Practices (Amendment), Act 2018 is made out against Sh. Ajay Kumar Gupta, the then Director of Health Services, HP and Sh Bal Ram. Accordingly, a criminal case is registered in this police station. Copy of FIR is being sent to the Ld. Court of Special Judge(Forests), Shimla and also to the senior officers of SV&ACB, Shimla. The copy of FIR is also being sent through E- Mail for uploading the same on the website of Vigilance Bureau.

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

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं.2.में उल्लेख धारा के तहत है।):

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or (या)

(2) Directed (Name of I.O.):(जांच अधिकारी का नाम): Reena Thakral**Rank (पद):** INSP. (Inspector)**No(सं.):** NA**to take up the Investigation** (को जांच आपने पास में लेने के लिए निर्देश दिया गया) or**(3) Refused investigation due to**(जांच के लिए):

or (के कारण इंकार किया या)

Transferred to P.S.(थाना):**District**(ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

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

(शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.(आर.ओ.ए.सी.)**14. Signature/Thumb impression of the complainant / informant.**

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Signature/हस्ताक्षर

Signature of Officer in charge, Police Station

(थाना प्रभारी के हस्ताक्षर)

Name(नाम): Kamal Kishore**Rank (पद):** Dy. SP (Deputy Superintendant of Police)**No(सं.):** N/A**15. Date and time of dispatch to the court**

(अदालत में प्रेषण की दिनांक और समय):

Attachment to item 7 of First Information Report (प्रथम सूचना रिपोर्ट के मद 7 संलग्नक):

Physical features, deformities and other details of the suspect/accused:(If known/seen)

(संदिग्ध / अभियुक्त की शारीरिक विशेषताएँ, विकृतियाँ और अन्य विवरण :(यदि ज्ञात / देखा गया))

S.No.(क्र.सं.)	Sex (लिंग)	Date/Year of Birth (जन्म तिथि / वर्ष)	Build (बनावट)	Height(cms.) (कद(से.मी))	Complexion (रंग)	Identification Mark(s) (पहचान चिन्ह)
1	2	3	4	5	6	7
1	Male	1962				
2	Male	1977				

Deformities/ Peculiarities (विकृतियाँ/ विशिष्टताएँ)	Teeth (दाँत)	Hair (बाल)	Eyes (आँखें)	Habit(s) (आदतें)	Dress Habit(s) (पहनावा)
8	9	10	11	12	13

Place Of(का स्थान)					Others (अन्य)
Burn Mark (जले हुए का निशान)	Leucoderma (धवल रोग)	Mole (मस्सा)	Scar (घाव)	Tattoo (गूदे हुए का)	
15	16	17	18	19	20

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

(यह क्षेत्र तभी दर्ज किए जाएंगे यदि शिकायतकर्ता / सूचनाकर्ता संदिग्ध / अभियुक्त के बारे में कोई एक या उससे अधिक जानकारी देता है।)