
(2000) 05 PAT CK 0069
In the Patna High Court
Case No : C.W.J.C. No. 564 of 2000

Ajoy Kumar Verma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-05-2000

Acts Referred:

Citation : (2000) 3 BLJR 1906 : (2000) 3 PLJR 331

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Judgement

S.K. Katriar, J.—This Court at the very outset records its displeasure against the approach of the learned Counsel for the Reserve Bank of India and the State Bank of India in this matter which was evident on the previous occasion also. During the course of submissions on 1.5.2000, they went to the extent that it would not be possible for the two Banks to serve notices on its functionaries because they are impleaded by name. This Court desists from making any further observations in the hope that they shall realise the gravity of the situation and make submissions in the present matter in a more responsible manner. This writ petition relates to injecting counterfeit in the Indian currency system which is amongst the vitals of any nation, and an attempt to destabilise the country's economy is discernible. Has anyone to be reminded that no individual has any entity without his notion. The Counsel for the Banks seem to have positioned themselves in this matter like an adversarial litigation, as if they are fighting an inter se seniority matter. This much for their approach.

2. I wish to recapitulate the facts represented by the petitioner before this Court. He is a member of the Indian Police Service. He had withdrawn a sum of Rs. 55,000/- from the Boring Road Branch of the State Bank of India, Patna, on 24.3.1999, and went over to the Patliputra Branch of the State Bank of India, Patna, to deposit the same in his Public Provident Fund Account. The Cashier of the Patliputra Branch refused to accept the same for the reason that it included counterfeit. The petitioner requested him to give him an appropriate certificate

and/or take appropriate action in accordance with law which he completely declined to do. Similar requests were made to the other functionaries of the Branch including the Branch Manager who also declined to take steps in accordance with law. The petitioner returned to the Boring Road Branch and requested the Cashier to give him the certificate and/or take action in accordance with law which he completely declined to do. Similar requests to other functionaries in that Branch including the Branch Manager also were negated. The functionaries of the Boring Road Branch gave very significant factual informations to the petitioner, namely, the Boring Road Branch had given a loan of Rs. 80,00,000/- to one P.K. Mittal, who was setting up a unit at Raxaul, which is a small township in the State of Bihar bordering Nepal and is separated from Patna by about 300 kms. The petitioner was further informed that the bundles of notes amounting to Rs. 55,000/- which had been handed over to the petitioner earlier in the day had been deposited by the said P.K. Mittal towards repayment of the loan amount. The petitioner thereafter moved the office of the Reserve Bank of India who all declined to take appropriate steps in accordance with law in the matter. His request to the Chief General Manager for an audience was declined. The petitioner thereafter approached the local Head Office of the State Bank of India, Patna, where also he was given just the same treatment as at other places. The then Chief General Manager also refused to grant him an audience. Feeling completely helpless in the matter, the petitioner addressed his communication to the Governor of the Reserve Bank of India, and he has not received any reply so far. The petitioner thereafter moved the appropriate authorities of the Bihar Government who attended to the issue, and accordingly Budha Colony P.S. Case No. 104/99 has been registered and is being investigated under the control and supervision of the Inspector/General of Police (Economic Offences Wing), CID. The investigation is in progress, and P.K. Mittal is in custody.

3. Pursuant to the Court's order dated 1.5.2000, Mr. U.N. Panjiyar, IAS, Home Commissioner of the Bihar Government, and Mr. A.K. Sinha, IPS, Deputy Inspector/General of Police, C.I.D., of the Government of Bihar, in the absence of Mr. Manoj Nath, Inspector/General of Police (Economic Offences), are present. The petitioner appears in person. The DIG has reported the progress of investigation in Budha Colony P.S. Case No. 104/99. He further submits that the issues raised in this writ petition and the factual position stated therein have illumined the issues and he will investigate the matter deeper. He informs the Court that his Department is cognizant of a widespread net-work all over the State for injecting counterfeit in the Indian currency system. He states that the State of Bihar has a long length of common boundary with the adjoining country of Nepal which facilitates the despatch of counterfeit from across the border, and are now determined to investigate the matter in depth. He states that there is an attempt to destabilise the nation and the economy, and that such widespread conspiracy is not possible without institutional support and the functionaries working therein. In that view of the matter, and in order to conduct a widespread and intensive investigation which has so far been baulked by lack of man-power

and logistics, and submits that his department should be provided with the following personnel and logistics:

- i. One officer of the rank of S.P.
- ii. Three officers of the rank of D.S.P.
- iii. Six Inspectors.
- iv. Twelve Sub-Inspectors.
- v. Twenty-five Constables.
- vi. Eight vehicles.
- vii. One computer; and
- viii. Amount of Rs. 5 lakh.

The Home Commissioner is present, and gives undertaking to this Court with utmost sincerity to provide the aforesaid facilities to the IGP (Economic Offences), within two weeks. Determination of the strength and choice of personnel as well as the logistics shall be of the IGP (Economic Offences), in consultation with the Home Commissioner. This Court places infinite confidence in the Home Commissioner and the IGP (Economic Offences), and places the enormous responsibility of proper investigation of the case and similar other cases in their hands, who promise to this Court unrelenting efforts of going to the depth of the matter. In view of the gravity and importance of the matter, it is hereby directed that the investigation of all cases relating to counterfeit including Budha Colony P.S. Case No. 104/99 shall be conducted under the direct supervision of the I.G.P. (Economic Offences), and the present incumbent shall not be deprived of his charge as such without prior permission of the Court. They submit that no guilty person shall be spared, whatever be the odds.

4. The petitioner has placed on record the details which may amount to a criminal conspiracy as well as gross dereliction of essential duties and functions on the part of the functionaries of the State Bank of India, right from the Chief General Manager to the Cashier of the two Branches in question as well as the functionaries of the Reserve Bank of India up to the level of the Chief General Manager. His repeated efforts to get audience from the Chief General Manager and other functionaries next to him to apprise them of the situation and pleading appropriate action in accordance with law, both with respect to the counterfeit in question as well as abdication of duties and functions attributable to the functionaries of the Banks, failed, and no action whatsoever was taken. He had thereafter sent letter(s) to the Chairman of the State Bank of India and he has not so far received any reply. In that view of the matter, the Chairman of the State Bank of India is hereby directed to submit an affidavit before this Court personally sworn by him within one month as to the steps taken by him after he had received information on this issue and the steps that he now proposes against the erring officials of his Bank.

5. Just the same is the position with respect to the Reserve Bank of India. In that view of the matter, the Governor of the Reserve Bank of India is hereby directed to place before this Court an affidavit personally sworn by him in the aforesaid manner within one month.

6. The petitioner submits that Sri Niwas Singh was functioning as the Cashier of the Boring Road Branch of the State Bank of India at the relevant point of time. Let him be impleaded as respondent No. 14. Let the petitioner serve one set of the brief on Mr. Kaushal Kishore Singh, Advocate, for service of notice on Sri Niwas Singh. The Bank shall file a similar or joint affidavit as per this Court's earlier order dated 1.5.2000 regarding service of notice on him.

7. Counsel for the Bank inform that the petitioner has received from different authorities more amount than Rs. 55,000/- deposited by him with the Bihar Government which led to the present F.I.R. In that view of the matter, as submitted by the Home Commissioner, the petitioner is hereby directed to submit a detailed representation with respect to the deposit, and receipt of the money in lieu thereof by him from different authorities, before the Home Commissioner who shall dispose of the matter with a reasoned order. It will be open to him to consider the question of reparation, the harassment caused to the petitioner and the persistent efforts being made by him for a national cause. The petitioner is making a valiant attempt to expose this issue. Therefore, this Court is very mindful of the situation that he deserves the greatest protection of all concerned from any harassment, canard, or vilification.

8. As ordered hereinabove, put up on 21.6.2000 as the first case for admission on which date the Home Commissioner and the IGP (Economic Offences & Food) shall be personally present to report the progress of investigation, and compliance of this Court's orders. The Director-General of Police is hereby directed to place before this Court an affidavit personally sworn by him, stating the latest position about the steps taken by him to fight out the problem of counter-feit in Bihar in general, and Budha Colony P.S. Case No. 104/99 in particular, and also the steps he proposes to take in this connection.

9. Let the petitioner hand over three sets of the entire pleadings along with copies of all the orders of this Court to Mr. Ajay Tripathi, Standing Counsel for the Central Government, to be forwarded to the Finance Minister of India and the concerned Secretary of that Ministry, for the needful.

10. Let copies of this order be handed over to the petitioner appearing in person, Mr. V.N. Sinha and Mr. Amar Nath Singh, Government Counsel, who represent the Home Commissioner and I.G.P. (Economic Offences), and the D.G.P., and Mr. Ajay Tripathi, Standing Counsel for the Central Government.