Subject: Registration of cases pertaining to misappropriation of paddy

My dear,

This is in continuation of my earlier letter No. 21005-06 dated 21.03.2002, wherein I had requested you to book unscrupulous rice millers who have misappropriated huge quantities of paddy stored with them of the State Procuring Agency.

It has been brought to my notice that while investigating cases, the Vigilance Bureau has registered cases against the officials of the procuring agency as well, on the plea of joint custody with the rice millers, as mentioned in the agreements executed with them. I wish to point out, in this context, that joint custody with the miller is only nominal, as the de facto possession remains only with the miller. Thus, involving officials of the procuring agencies by the investigating agency while investigating cases against the millers seems to be misconceived and fallacious, because for all intents and purposes, the paddy is under the control of the millers as it is stored in their premises. I would also like to bring to your notice the judgment dated 18.07.2000 in the case filed State Vs. Mohinder Parkash and others FIR No.100 of 05.04.1985 U/s 405 IPC P.S.Kotwal Barnala, delivered by the Court of CJM, Barnala, which has held that where the miller had removed the stocks of paddy with intent of misappropriation without the consent of the procuring agency, the miller is guilty of theft.
I suggest that you issue necessary directions to the concerned officials to avoid unnecessary harassment to the officials of the procurement agencies and not involve them in these cases without any reasonable justification.

With regards,

Yours sincerely,

(Y.S. Ratra)

Sh. S. K. Sinha,  
Principal Secretary to Govt. of Punjab,  
Department of Vigilance Bureau,  
Chandigarh.

No. PWC/Legal/14153-54  
Date: 16.12.02

A copy is forwarded to-

1) Principal Secretary Food and Supplies.  
2) Chief Director, Vigilance Bureau, Punjab, for necessary action.

Chief Secretary, Punjab,

D. M.  
P.S.W.C. FEROZEPOUR