

STATE VIGILANCE BUREAU, HARYANA, PANCHKULA.

STANDING ORDER No. 1/14

SUBJECT : REFUND OF TRAP MONEY

Bribe money, when recovered during a raid actually belongs to the complainant. During the investigation and the trial, the recovered bribe money, being the case property, remains either in the custody of I.Os or the trial Court. Thus it becomes a very long and cumbersome procedure for the complainant to receive the amount back. Since the complainants are being made to part with the money for trapping an official and endlessly wait for the refund, most of the complainants get discouraged and they prefer not to complain to Vigilance. Therefore, the Govt. has approved this scheme for the refund of trap money.

The following procedure/system is laid down for the refund of trap money:

- i) The request for refund of the trap money is to be moved in the competent Court by the complainant. In case any complainant approaches with such a request, he may be appropriately advised by the Superintendent of Police of the State Vigilance Bureau. Such an application may not be objected by the Vigilance and Prosecution.
- ii) On receipt of notice from the Court, response of the State of Haryana would be prepared by the Superintendent of Police, State Vigilance Bureau concerned, who may examine the facts and circumstances in consultation with the Legal Officer and make a cogent and reasoned recommendation for the refund of the trap money. A draft response to be filed in the Court

may be got approved from the concerned Supervisory Officer of the State Vigilance Bureau, Haryana, if the amount is less than Rs. 50,000/- and from the Director General, State Vigilance Bureau, Haryana, if the amount is Rs. 50,000/- or more. The Court may also be requested to direct the complainant to execute an agreement in case an order for the refund of such amount is made.

- iii) After receipt of the Court's order for refund of the trap money, the complainant may be requested to execute an agreement which may be kept with the Superintendent of Police. The draft of the agreement is placed at **Annexure-A**. The amount may be withdrawn from the object "34-Other charges" for which the State Vigilance Bureau Headquarters may be requested by the concerned Superintendent of Police of the State Vigilance Bureau, to release the fund. As and when the case is disposed off, the amount already disbursed to the complainant, which is equal to the tainted amount seized during the trap, shall be deposited in the Government Treasury by the Superintendent of Police, under Receipt Head,"0070-OAS-104-Vigilance(2) other Receipts." The Section Officer at VHQ and the DDOs of the SVB Range offices will maintain a Register in this regard, the proforma of which is placed at **Annexure-B**.
- iv) It is made clear that the tainted amount seized during the trap is not to be used for refund of the money.
- v) After the decision of the Court, it shall be the responsibility of the Superintendent of Police of State Vigilance Bureau, to ensure that this amount, which is equal to the trap money seized, shall be deposited back in Government Treasury at the earliest.

These orders shall be complied with meticulously.

(ParminderRai) IPS
Director General,
State Vigilance Bureau,

Haryana, Panchkula.

Draft Agreement

An agreement made at _____ this day of _____
Two thousand _____ between
Shri/Smt./Km. _____ son/wife/daughter of
_____ resident of
_____ herein
after referred to as the "informant/complainant " which shall include his/her
heirs, executors and administrators on this part, the first party and governor of
Haryana herein after referred to as "the Government" on the other part, the
second party.

Whereas a trap was laid on the basis of complaint filed by the
informant/complainant on _____ and
the accused Shir _____ was caught red-handed by
the team of State Vigilance Bureau, Haryana, while accepting Rs. _____
from informant/complainant as bribe. The said sum of
Rs. _____ from the investigation officer of State Vigilance
Bureau, Haryana, at the spot from the accused is case property to be used in
evidence against the accused.

And whereas the accused has been charge-sheeted under the provision of
Corruption Act, 1988 in the Court of _____ where
criminal case bearing No. _____ (herein after referred to the "said
case") against him is panding for trial.

And whereas the informant/complainant approached the Court with a
request to refund or reimburse him the said trap money.

And whereas the court after considering the request has agreed to
reimburse the trap money to the informant/complainant subject to the condition
that the informant/complainant will execute an agreement to relinquish his/her
claim in favor of the Government, the second party.

Now this agreement witnesseth as follows:-

- (1) In consideration of the Government having paid to the informant/complainant a sum of Rs. _____, an amount equal to trap money vide EPS No. _____ dated _____ drawn at _____ receipt of which has been duly acknowledgement by him/her vide receipt dated _____ and the same forms part of this agreement, the informant/complainant agrees that the said trap money lying with the be payable to the Government and he/she shall have no claim in respect of that money or part thereof. The Government shall be entitled to receive, collect and appropriate to itself the trap money deposited in the said Court.
- (2) The informant/complainant further agrees that he/she on execution of this agreement will immediately, through an affidavit addressed to the Court, acknowledge the receipt of money and will inform the Court that the Government is entitled to receive, collect and appropriate to itself the said trap money.
- (3) Whereas in case the informant/complainant (the first party) does not support the contents of complainant, submitted by him to Investigation Officer, before the Trail Court, the first party shall not be entitled to reimbursement/refund of trap money earlier, then the first party shall be liable to deposit the reimbursed/refunded money in the account of second party.

In witness whereof the informant/complainant above name has put his/her signature hereto and the Governor of Haryana has caused Shri _____ (Designation) to set his signature and affix his official seal hereto for and on his behalf, the day and year first herein above written.

1. _____ the informant/complainant
2. _____ for and on behalf of Government of Haryana, in the presence of witness
3. _____ (With name and address)
4. _____ (With name and address)

Annexure-B

Register to be maintained in the Office of the Director General, State Vigilance Bureau, Haryana and all SVB Ranges in Haryana to monitor drawal of advance from the head of account "2070-Other Administrative Services-104-Vigilance (2) Director General, State Vigilance Bureau, Haryana".

Case FIR No. __ dated _____ u/s _____ PS SVB _____

Brief facts : _____

Challanedon : _____

1. Name of the Court & number and year of the case.
2. Amount involved/deposited in the Court with No. and date of the sanction.
3. No. and date of the sanction refunding the money to the party.
4. To whom payable (address of the payee).
5. Amount of advance drawn from the head of account "2070-Other Administrative Services-104-Vigilance (2) Director General, State Vigilance Bureau, Haryana" with date of drawal.
6. Name of the Treasury.

7. Date of final disposal of the case by the Court.
8. Date of receipt of money from the Court.
9. Date on which the amount was credited to settle the advance.
10. Remarks with signature of the Head of Office.
