

KARNATAKA LOKAYUKTA

Compt/Lok/MYS-3329/2015/ARE-5
& LOK/MYS-2525/2013

Multi-storied Building,
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated: 11/05/2017.

**REPORT UNDER SECTION 12(3) OF THE KARNATAKA
LOKAYUKTA ACT, 1984**

Sub: Proceedings against Sri.K.M.Narayana
Swamy, IFS, Dy.Conservator of Forest,
Wildlife Forest, Kollegala - regarding his
misconduct as public servants-reg.

The ADGP, Karnataka Lokayukta, Bangalore has forwarded the Investigation Report submitted by Dy.S.P., Karnataka Lokayukta, Chamarajanagar in Cr.No.05/2011 to take up suo-motu investigation against Sri.K.M.Narayana Swamy, IFS, Dy.Conservator of Forest, Wildlife Forest, Kollegala (hereinafter referred to as Respondent). On the basis of said report, suo-motu investigation has taken up invoking Section 7(1)(b) of the Karnataka Lokayukta Act against the Respondent for his misconduct.

BRIEF FACTS OF THE CASE:

2. On the credible information that Respondent is carrying amount, which is unaccounted, in his vehicle, on 20-3-2011 S.P. Karnataka Lokayukta, Mysore (hereinafter referred to as complainant) has secured panch witnesses and went to the spot with his staff and panch witnesses and stopped the vehicle- Bolero No:KA-10-G-335 at 8.15 am near Papanakere area of Hosannagalli

*What is the misconduct?
in the an allegation?*

29/5/17

30/5/17

31/5/17

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and searched the vehicle. He has found Rs.8 lakhs in the said vehicle in the briefcase which was carried by Respondent in the said vehicle and complainant has seized the amount under mahazar in the presence of panch witnesses. Respondent has failed to give satisfactory explanation for possession of said Rs.8 lakhs. Therefore complainant has lodged the complaint before the Dy. S.P., Karnataka Lokayukta, Chamarajanagar (I.O. for short).

3. On the basis of the said complaint, case in Cr.No:5/2011 has been registered against Respondent and investigation has been taken up by the I.O. and I.O. has recorded the statements of the witnesses and after completing the investigation, I.O. has submitted final report against the Respondent for the offences punishable u/s 7,13(1)(d) r/w 13(2) of P.C.Act before ADGP, Karnataka Lokayukta, Bengaluru for taking action.

4. In the complaints No:Compt/Lok/MYS-2525/2013 & No:Compt/Lok/MYS-3329/2015 suo-motu investigation has been taken up against the same respondent on the basis of final report submitted against the respondent Sri.K.M.Narayanaswamy, IFS, DCF in Cr.No:5/2011 of Karnataka Lokayukta Police Station, Chamarajanagar. Therefore both the complaints have been clubbed.

5. Observation Note has been sent to respondent in Compt/MYS-2525/2013. Respondent has submitted comments/reply dtd:12-3-2014 for the Observation Note. The comments of respondent is that:

(a) He has prepared action plan in accordance with the grants released and executed works in accordance with the Rules after obtaining permission from the conservator of forest and amount has been paid to the contractor by

(3)

obtaining the signature of the contractor in the payment voucher. Principal Chief Conservator of Forest has verified the works carried out and submitted report that works carried out are good achievement.

(b) That the FIR in Cr.No:5/2011 do not attract provisions of Sec.7,13(1)(d) R/w Sec.13(2) of P.C.Act. Statement of witnesses recorded by the I.O. do not reveal any offence being committed by the respondent. There are discrepancies in the statements of witnesses about the time when suitcase was kept in the vehicle and the statement of witnesses is hearsay evidence & therefore it cannot be relied upon. There is no meaning in the statement of Siddaraju that he gave Rs.6,50,000/- to Nanjundaiah on the instructions of respondent and the statement of Srinivas that he gave Rs.2,00,000/- to Muddanna - RFO on his instruction is false & he had never contacted contractor Srinivas and he has not received any amount illegally. It is common for any person to resist search of his vehicle if the vehicle is stopped by a third person and he did not offer bribe to Lokayukta police officials. Complaint has been registered after search and therefore the FIR registered after search is illegal and therefore all the proceedings are to be dropped.

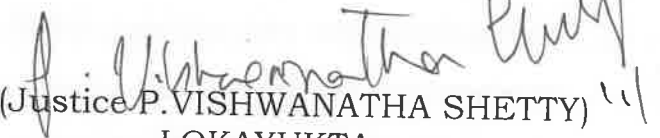
6. The records collected by I.O. during investigation prima-facie show that on 20-3-2011 respondent was found carrying suitcase containing Rs.8 lakhs in vehicle Bolero No:KA-10-G-335 at 8.15 am near Pasanakere area of Hosannagalli while going from Kollegala to Bangalore and respondent failed to give satisfactory explanation for possession of Rs.8 lakhs found in the suitcase which was kept in the vehicle in which respondent was travelling while he has not denied the possession and carrying of Rs.8 lakhs in the vehicle in question. In addition to his failure to offer satisfactory explanation



for the money seized from his possession, two of the contractors examined by the I.O. have stated that they have paid the amount referred in their statements. Therefore at this stage prima facie case of serious misconduct of possessing unexplained huge cash by the Respondent who is a responsible officer of the state is made out which calls for initiation of disciplinary proceedings against Respondent. Therefore the comments submitted by the respondent are not acceptable to drop the proceedings against him.

7. Since the said facts and materials on record prima facie show that Respondent Sri.K.M.Narayana Swamy, IFS, Dy.Conservator of Forest, Wildlife Forest, Kollegala has committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Sri.K.M.Narayana Swamy, IFS, Dy.Conservator of Forest, Wildlife Forest, Kollegala and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957.

8. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority to intimate this Authority within three months from the date of receipt of this report, the action taken or proposed to be taken on this report. Connected records are enclosed.


(Justice P. VISHWANATHA SHETTY) 11/5/2017
LOKAYUKTA,
KARNATAKA STATE,
BENGALURU.