

KARNATAKA LOKAYUKTA

NO: Compt/Uplok/Mys/2988/2019/DRE4

MS Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru, Date:09/03/2021

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

Sub: Proceedings against Sri.Chandurao, Assistant Reserve Sub-Inspector, City Armed Reserve, Mysuru district about his misconduct as Govt. servant - reg.

On the complaint filed by Smt.Nirmala Bai W/o Chandurao, No.EWS:117, Angavikala Colony, Bademakhan, N.R.Mohalla, Mysuru district [hereinafter referred to as 'complainant'] against Sri.Chandurao, Assistant Reserve Sub-Inspector, City Armed Reserve, Mysuru district (hereinafter referred to as 'respondent - for short') this complaint is taken up for investigation under Sec.9 of Karnataka Lokayukta Act, 1984.

2. **Complaint allegation in brief:-**

The respondent married the complainant by concealing his first marriage with one Smt.Pushpa Bai and thereby not only cheated the complainant but also committed an act of misconduct [Bigamy].

3. Comments called from the respondent.

4. In response to the notice issued, respondent submitted following documents. However, he has not submitted separate comments -

- 1) Copy of complaint dated:14/02/2020 lodged by Smt.Pushpa Bai to Station House Officer, Women Police Station, Lashkar, Mysuru;
- 2) Service particulars of respondent;
- 3) Copy of Petition register;

- 4) Copy of letter addressed to Police Commissioner, Mysuru dated:20/08/2019;
- 5) Copy of petition dated:02/08/2019 given by the complainant to DG & IGP, Karnataka State;
- 6) Copy of statement of Sri.Chandu Rao dated:27/09/2019;
- 7) Copy of statement of Smt.Pushpa Bai dated:27/09/2019;
- 8) Copy of Wedding Invitation card;
- 9) Copy of statement of objections filed in Cr.Misc.No.53/2019; &
- 10) Xerox copy of Photograph.

5. Complainant has produced documents along with separate letters.

6. Materials placed on record perused.

- 1) In the complaint on hand, the complainant attributed bigamous marriage to the respondent - Sri.Chandu Rao, who is working as Assistant Reserve Sub-Inspector, City Armed Reserve, Mysuru. The complainant has alleged that the respondent had earlier married one Smt.Pushpa Bai and begot two sons and thereafter married the complainant by making her to believe that he is bachelor;
- 2) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under the personal law for time being applicable to him [Rule 28(1) of KCS (Conduct) Rules, 1966];
- 3) The complainant herein had approached Family Court at Mysuru by way of petition under Sec.125 Cr.P.C, filed against the respondent - Sri.Chandu Rao claiming maintenance. The said petition was registered as C.Misc.79/2010. In the said petition, the respondent had appeared before the Court by engaging the service of an advocate to defend him. However, he has not contested the petition by filing objection statement. The complainant herein lead evidence in support of her claim that she had married the respondent at Nimishamba Temple on 13/05/2005 and also produced photographs which were taken while she was in the company of the respondent;
- 4) At that time, the respondent was working as Police Constable in City Armed Reserve, Mysuru;
- 5) In the said petition the respondent has neither filed objection statement nor had he cross-examined the complainant. He has also not produced evidence on his behalf;

- 6) In the said proceeding the complainant had specifically asserted that the respondent had married her on 13/05/2005 at Sri Nimishamba Temple. To that effect she had also filed sworn affidavit before the Court. She had stated on oath that she had led marital life with respondent in Police quarters;
- 7) The assertion made by the complainant in the said proceeding has not been denied by the respondent;
- 8) On the basis of evidence on record, the Court *vide* its order dated:31/12/2010 had held that the respondent has willfully neglected the complainant and refused to pay maintenance in spite of having financial capacity and allowed the petition in part awarding maintenance @ ₹2,500/- per month, which was directed to be paid by the respondent from the date of petition till the life time of complainant;
- 9) It is not known why the respondent had kept quiet for about 11 years without challenging the order dated:31/12/2010 passed by the Family Court in C.Misc.No.79/2010;
- 10) Before filing the said petition the complainant herein had issued legal notice dated:18/01/2010 (Marked as Exhibit P2 in C.Misc.No.79/2010) to the respondent specifically asserting that the respondent married her on 13/05/2005 at Sri Nimishamba Temple, Ganjam, Srirangapatna. The respondent has not issued reply to the said notice;
- 11) In this complaint, the complainant has produced receipt bearing No.9573 dated:13/05/2005 issued by Tahsildar \ Muzarai Officer Sri Nimishamba Temple, Ganjam, Srirangapatna (Marked as Exhibit P1 in C.Misc.No.79/2010);
- 12) As the respondent had failed to pay maintenance as ordered by the Court, the complainant herein has filed C.Misc.No.283/2018 under Sec.125(3) Cr.P.C and also Crl.Misc.Nos.52, 53 & 521/2019 for recovery of arrears of maintenance. In the said proceedings the respondent had appeared before the Court and paid maintenance to the complainant at regular intervals;
- 13) Of course, in Crl.Misc.No.53/2019 the respondent had filed affidavit [by way of examination-in-chief] dated:04/01/2021 denying the assertion of the complainant that she is his legally wedded wife. In the very affidavit he has stated that he has married Smt.Pushpa Bai on 11/06/1995 and begot two children. Further, in the very affidavit he has stated that he has been regularly paying maintenance to the

complainant, whenever petition for recovery of arrears of maintenance is filed by her;

- 14) The respondent has also filed statement of objections in Crl.Misc.No.53/2019 dated:01/02/2020. It is useful to extract the relevant portion of the objection statement in Para-2 at Page No.3 -

“xxxxxxx After the death of her husband the petitioner introduced herself to the respondent as he was doing Bando Basth Duty in N.R.Mohalla Police Station. The petitioner requested the respondent to give protection to her as she resides alone at her house and her house is in such an area where only Muslims reside. As those Muslim people were troubling her, the respondent felt pity on her and so he started visiting her often on sympathy. xxxxxxxx”

- 15) The complainant has placed reliance on the statement of the respondent dated:21/05/2020, which she has produced with letter dated:27/01/2021 in support of her claim the respondent himself has admitted that he has two wives and that he had married the complainant in the year 2005, after his marriage with Smt.Pushabai;

- 16) The said statement appears to have been recorded by Assistant Commissioner of Police, NR division, Mysuru city, in connection with petition No:ನವಿ\ಸಾಮಾನ್ಯ-ಅರ್ಜಿ\13\2020 which was given by the complainant. The said statement is extracted as under -

“ಶ್ರೀ.ಚಂದೂರಾವ್ ಬಿನ್ ಲೇಟ್.ವಿಜಯೇಂದ್ರ ರಾವ್, 54 ವರ್ಷ, ಎಆರ್.ಎನ್.ಎ, ನಗರ ಸಶಸ್ತ್ರ ಮೀಸಲು ಪಡೆ, ಮರಾಠಿ ಜನಾಂಗ, ಮನೆ ನಂ.08, ಭದ್ರ ಬ್ಲಾಕ್, ಜ್ಯೋತಿ ನಗರ, ಮೈಸೂರು ಮೊ.ನಂ.8150085746

ದಿನಾಂಕ: 21/05/2020

ನಾನು ದಿನಾಂಕ:06/01/1992ರಂದು ಮೈಸೂರು ನಗರದ ಸಶಸ್ತ್ರ ಮೀಸಲು ಪಡೆಗೆ ಪೊಲೀಸ್ ಕಾನ್ಸ್ಟೇಬಲ್ ಆಗಿ ಹಾಲೀ ಎ.ಆರ್.ಎನ್.ಎ ಆಗಿ ಕರ್ತವ್ಯ ಮಾಡುತ್ತಿದ್ದು, ಜ್ಯೋತಿ ನಗರದ ಭದ್ರ ಬ್ಲಾಕ್‌ನ ಪೊಲೀಸ್ ವಸತಿ ಗೃಹದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ. ನನ್ನ ವಿರುದ್ಧ ನನ್ನ 2ನೇ ಹೆಂಡತಿ ನಿರ್ಮಲಾ ಬಾಯಿ ರವರು ನೀಡಿರುವ ದೂರು ಅರ್ಜಿಯನ್ನು ಓದಿ ತಿಳಿದುಕೊಂಡಿರುತ್ತೇನೆ.

ಈ ಮೊದಲು ಅಂದರೆ 1995ನೇ ಸಾಲಿನಲ್ಲಿ ಹುಣಸೂರಿನ ವಾಸಿ ಪುಷ್ಪಬಾಯಿ ರವರನ್ನು ನಾನು ಮದುವೆಯಾಗಿದ್ದು, ಇಬ್ಬರು ಗಂಡು ಮಕ್ಕಳು ಇರುತ್ತಾರೆ. ತದನಂತರದಲ್ಲಿ ಎನ್.ಆರ್.ಮೊಹಲ್ಲಾ ವಾಸಿಯಾದ ನಿರ್ಮಲಾ ಬಾಯಿ ರವರು ನನಗೆ ಪರಿಚಯವಾಯಿತು. ಈಕೆಗೆ ಮದುವೆಯಾಗಿ ಇಬ್ಬರು ಗಂಡು ಮಕ್ಕಳು ಇದ್ದರು. ಆದರೆ, ಆಕೆಯ ಗಂಡ ಸತ್ತು ಹೋಗಿದ್ದನು. ಇವರು ಪರಿಚಯವಾದ ಮೇಲೆ ನಾನು ಅವರನ್ನು ಪ್ರೀತಿಸಿ 2005ನೇ ಸಾಲಿನಲ್ಲಿ ಮದುವೆಯಾಗಿರುತ್ತೇನೆ. ಆಗಾಗಿ ನನಗೆ ಇಬ್ಬರು ಹೆಂಡತಿಯರು ಇರುತ್ತಾರೆ.

29/8/19

ನಾನು ನಿರ್ಮಲಾ ಬಾಯಿ ರವರೊಂದಿಗೆ 2ನೇ ಮದುವೆಯಾದ ಮೇಲೆ ಸುಮಾರು 4-5 ವರ್ಷಗಳು ಅನ್ಯೂನ್ಯವಾಗಿ ಸಂಸಾರ ಮಾಡಿಕೊಂಡಿದ್ದೆವು. ನಂತರದಲ್ಲಿ ನನಗೆ ಆರ್ಥಿಕವಾಗಿ ಸ್ವಲ್ಪ ಹಣಕಾಸಿನ ಮುಗ್ಗಟ್ಟಾಗಿದ್ದರಿಂದ ನನ್ನ 2ನೇ ಸಂಸಾರದ ಕಡೆ ಗಮನ ಹರಿಸದೇ ಅವಳ ಕಷ್ಟಸುಖಗಳನ್ನು ನೋಡಿಕೊಳ್ಳದೇ ಇದ್ದಾಗ ಇಬ್ಬರಲ್ಲೂ ಭಿನ್ನಾಭಿಪ್ರಾಯ ಮತ್ತು ಮನಸ್ತಾಪ ಉಂಟಾಯಿತು. ಆಗ ನನ್ನ 2ನೇ ಹೆಂಡತಿ ನಿರ್ಮಲಾಬಾಯಿ ರವರು 2010ನೇ ಸಾಲಿನಲ್ಲಿ ನನ್ನ ಮೇಲೆ Maintenance ಕೇಸನ್ನು ಹಾಕಿಕೊಂಡರು. ಆ ಕೇಸಿನಲ್ಲಿ ನಿರ್ಮಲಾ ಬಾಯಿ ರವರ ಜೀವಿತಾವಧಿವರೆಗೂ ತಿಂಗಳಿಗೆ ₹2,500/-ಗಳನ್ನು ಜೀವನಾಂಶವಾಗಿ ಆಕೆಗೆ ಕಟ್ಟಿಕೊಡಬೇಕೆಂದು ಕೋರ್ಟ್ ಆದೇಶ ನೀಡಿತು. ಕೋರ್ಟ್‌ನ ಆದೇಶದಂತೆ ನಾನು 2010ನೇ ಸಾಲು ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಿಂದ ₹2,500/-ಗಳನ್ನು ನಿರ್ಮಲಾ ಬಾಯಿ ರವರಿಗೆ ಪಾವತಿ ಮಾಡಿಕೊಂಡು ಬಂದಿರುತ್ತೇನೆ. ಕಾರಣಾಂತರಗಳಿಂದ ಕಳೆದ ಸಾಲು ಅಂದರೆ, 2019ನೇ ಸಾಲು ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಿಂದ ಈವರೆಗೆ ಜೀವನಾಂಶದ ಹಣವನ್ನು ಆಕೆಗೆ ಕೊಡಲು ಆಗಿರುವುದಿಲ್ಲ. ಒಟ್ಟು 6 ತಿಂಗಳ ಜೀವನಾಂಶದ ಮೊತ್ತ ₹15,000/-ಗಳನ್ನು ಒಂದೇ ಕಂತಿನಲ್ಲಿ ದಿ:06/06/2020 ರಂದು ಕೋರ್ಟ್‌ನಲ್ಲಿ ಕೊಡುತ್ತೇನೆಂದು ಒಪ್ಪಿ ಮೇಲ್ಕಂಡ ನನ್ನ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿರುತ್ತೇನೆ.

ಓದಲಾಯಿತು ಸರಿ ಇದೆ

ಸಹಿ

Chandu Rao, ARSI"

- 17) The above statement cannot be relied upon for the reason that it is a statement recorded by a Police Officer in the course of inquiry on the petition filed by the complainant against the respondent and thus, it cannot be relied upon, as it has hardly any evidentiary value before Court of law or any authority;
- 18) Notwithstanding the above, it is to be noted that the complainant had approached the family Court by way of petition under Sec.125 Cr.P.C claiming maintenance from the respondent, where she had specifically asserted that the respondent has married her on 13/05/2005 at Nimishamba Temple, Srirangapatna and that they lived together in Police Quarters at Jyothinagar, Mysuru as husband & wife and led matrimonial life. This specific and material assertion made by the complainant has not been denied by the respondent by filing objection statement, though he had appeared in the said proceeding by engaging an advocate to defend him. He has also not chosen to cross examine the complainant, who had tendered evidence before the Court by way of sworn affidavit to the above effect;
- 19) In addition to the above, it is also forthcoming from the records that the respondent - Sri.Chandu Rao made a statement [handwritten] dated:17/09/2001 on oath stating that he had married the

complainant. The said statement is purported to have been signed by the respondent in the presence of witness by name A.Cruzdass (Jawa), #417/2A, 9th Cross, Gandhinagar, Mysuru [produced by the complainant with letter dated:27/01/2021];

- 20) Though, in a proceeding under Sec.125 Cr.P.C, strict proof of marriage is not necessary for awarding maintenance, conduct of the respondent - Sri.Chandu Rao in not filing the objection statement denying his marriage with the complainant and not cross-examining her though he had opportunity to do so and his subsequent conduct in not challenging the final order dated:31/12/2010 passed in C.Misc.No.79/2010 till this date and payment of maintenance to the complainant at regular intervals and the documents placed in the file *prima facie* indicate that the respondent had relationship with the complainant, which in the facts and circumstances of this complaint *prima facie* indicate that the respondent having wife living contacted another marriage with the complainant. This amounts to misconduct, for which disciplinary enquiry needs to be held against respondent - Sri.Chandu Rao, Assistant Reserve Sub-Inspector, City Armed Reserve, in order to unearth the truth.

7. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against respondent - Sri.Chandu Rao, Assistant Reserve Sub-Inspector, City Armed Reserve and entrust the inquiry against the respondent to this authority under Karnataka State Police (Disciplinary Proceedings) Rules, 1965/1989.

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

Copies of connected records are enclosed.

B.S. Patil 14/3/21
(JUSTICE B.S.PATIL)
Upalokayukta-2,
Karnataka State.

14/3/21