



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/208/2011/ ARE-3

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 24.01.2019

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) Sureshkumar, Revenue Inspector, Huthridurga Hobli, Kunigal Taluk; and
- (2) Madaiah, Village Accountant, Yagalavadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumakuru District - reg.

Ref:- (1) Government Order No. RD 91 BDP 2011, dated 16.08.2011.

(2) Nomination order No. LOK/INQ/14-A/208/2011 dated 26.08.2011 of Upalokayukta, State of Karnataka.

(3) Inquiry report dated 21.01.2019 of the Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 16.08.2011 initiated the disciplinary proceedings against Sriyuths: (1) Sureshkumar, Revenue Inspector, Huthridurga Hobli, Kunigal Taluk; and (2) Madaiah, Village Accountant, Yagalavadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumakuru District [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 & 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/208/2011 dated 26.08.2011, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by order dated 01.03.2014, the Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru was re-nominated to continue the said departmental inquiry against DGOs 1 & 2. Finally, by order No. UPLOK-2/DE/2016 dated 03.08.2016, the Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru was re-nominated to continue the said departmental inquiry against DGOs 1 & 2.

3. The DGO1 - Shri Sureshkumar, Revenue Inspector, Huthridurga Hobli, Kunigal Taluk; and DGO2 - Shri Madaiah, Village Accountant, Yagalavadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumakuru District were tried for the following charge:-

“That you, DGO-1 Sri Suresh Kumar and DGO-2 Sri Madaiah while working as Revenue Inspector of Huthridurga Hobli and as Village Accountant of Yalagalawadi Circle in Huthridurga Hobli respectively in Kunigal Taluk of Tumkur district, the complainant namely Sri Nagarajaiah of

Muddanapalya in Yeshwanthpur Hobli of Bengaluru North Taluk had purchased 1 acre 26 guntas of land in sy.no. 182 of Lingadevarapalya on 30.03.2007 under registered deed and 'J-slip' had been sent to the office of you DGO-1 through the Tahsildar office but, entries had not been made in his name inspite of repeated requests and then you DGO-1 asked for bribe of Rs. 10,000/- to attend his work and afterward you DGO-2 also asked for Rs. 10,000/- and after pleaded inability, you DGO-2 took Rs. 500/- available with the complainant asking to pay the balance and afterward and on 11.3.2009 you DGO-1 took Rs. 15000/- from the complainant in the presence of you DGO-2 at his office in Kunigal to show official favour, failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government servant and thus committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966."

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against DGO1 - Shri Sureshkumar, Revenue Inspector, Huthridurga Hobli, Kunigal Taluk; and DGO2 - Shri Madaiah, Village Accountant, Yagalavadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumakuru District.

5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.


6. As per the First Oral Statement of DGOs 1 & 2 furnished by the Inquiry Officer, DGO1 - Shri Sureshkumar is due for retirement on 30.09.2034 and DGO2 - Shri Madaiah has retired from service on 31.05.2016 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against DGO1 - Shri Sureshkumar, Revenue Inspector, Huthridurga Hobli, Kunigal Taluk; and DGO2 - Shri Madaiah, Village Accountant, Yagalavadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumakuru District,

- (i) it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO1 - Shri Sureshkumar'; and
- (ii) it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of pension payable to the DGO2 - Shri Madaiah'.

8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/208/2011/ARE-3

M.S.Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru - 560001.

Date: 18.01.2019

**Enquiry report**

21,

Present: Sri.S. Renuka Prasad  
Additional Registrar Enquiries-3

Sub: Departmental Enquiry against (1) Sri Suresh Kumar, Revenue Inspector, Huthiridurga Hobli, Kunigal Taluk, Tumkur District and (2) Sri Madaiah, Village Accountant, Yalagawadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumkur District - reg

- Ref:
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BD/288/2010/ARLO-2 dated 23.6.2011
  2. Government Order No. RD 91 BDP 2011 dated 16.8.2011
  3. Nomination Order No.LOK/INQ/14-A/208/2011 dated 26.8.2011 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

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1. One Sri Nagarajaiah S/o Moodalagiriah of Mudanapalya, Yashwanthpur Hobli, Bengaluru North Taluk (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Tumkur on 11.3.2009 against (1) Sri Suresh Kumar, Revenue Inspector, Huthiridurga Hobli, Kunigal Taluk, Tumkur District and (2) Sri Madaiah, Village Accountant, Yalagawadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumkur District - (hereinafter referred to as 'DGO-1 and 2' for short) making allegations against them that, they/DGOs 1 and 2 are demanding him to pay Rs. 15,000/- by way of bribe for transferring khatha of the land bearing sy. no. 1/2 of Lingadevara

Palya of Huttaridurga Hobli, extent 1.26 acres, into his name, in terms of the registered sale deed dated 30.3.2007 obtained by him in respect of the said land and also in terms of "J-slip" forwarded by the Sub-Registrar, Kunigal to the office of the Tahsildar, Kunigal, with respect of the said sale transaction.

2. On registering a case on the basis of the said complaint, a trap was held on 11.3.2009 in the private office of DGO-2 situated at Dr. Rajakumar Extension, opposite to Government Hospital, Kunigal town wherein, in the office of DGO-2 and in his presence, DGO-1 has demanded and received Rs. 15000/- by way of bribe from the complainant. While receiving the bribe amount from the complainant since DGO-2 entertained doubt about the currency notes which the complainant gave to him, he threw away those notes on the floor and both DGO-1 and 2 tried to escape by running away from the said private office of DGO-2. But Lokayukta police have managed to apprehend both DGOs 1 and 2 and subjected both hands of DGO-1 to phenolphthalein test which gave positive result and tainted notes were recovered from the place where they were lying in the private office of DGO-2. Since it was revealed during investigation that, in order to transfer the khatha of the land bearing sy. no. 1/2 of Lingadevara Palya of Uttaridurga Hobli, extent 1.26 acres in the name of the complainant, in terms of the registered sale deed dated 30.3.2007 obtained by him in respect of the said land and also in terms of "J-slip" forwarded by the Sub-Registrar, Kunigal to the office of the Tahsildar, Kunigal with respect to the said sale transaction, DGOs 1 and 2 have demanded bribe of Rs. 15,000/- and DGO-1 received the bribe amount from the complainant both on his behalf and on behalf of DGO-2, the Police Inspector having conducted detailed investigation, filed charge sheet, both against DGOs 1 and 2.



3. The ADGP, Karnataka Lokayukta, Bengaluru has forwarded the copy of the charge sheet to the Hon'ble Upalokayukta. On the basis of the materials collected during investigation and materials placed before this authority, an investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act. An observation note was served on DGOs 1 and 2 providing them an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against them. DGO-1 has submitted his reply dated 8.4.2011 denying the allegations made against him contending that, he never demanded or received any money by way of bribe from the complainant and he has been falsely implicated. It is his further contention that, though sy.no. 1/2 has been subjected to section 79A and B of Karnataka Land Reforms Act and since mutation entry in respect of the said land has already been cancelled, he declined to transfer the khatha of the said land in the name of the complainant. But the complainant tried to influence him and hence he scolded him and sent him out of his office and because of this reason the complainant developed vengeance against him and in order to take revenge against him, he came to his office on 11.3.2009 and kept the money on his table. He further claimed that, he refused to receive that money and pushed that money by using his hands as a result of which, the money kept by the complainant on his table fell down on the floor and by that time Lokayukta police came inside and caught hold of him and made false allegations against him that he has demanded and received bribe from the complainant. It is his specific contention that, he has not committed any misconduct and never demanded any bribe or received any money by way of bribe from the complainant and the complainant out of vengeance has

filed a false complaint against him and falsely implicated him and requested this authority to drop the proceedings against him.

4. DGO-2 has filed his reply dated 30.3.2011 to the observation note, denying the allegations made against him contending that, he has not committed any misconduct and he never demanded or received any money by way of bribe from the complainant and he has been falsely implicated. He has taken up a similar contention that, sy.no. 1/2 of Lingadevara Palya is subjected to 79A and B of Karnataka Land Reforms Act. According to him on 11.3.2009, he called DGO-1 on his mobile asking him to come to his private office and accordingly, DGO-1 came to his private office at Kunigal Town and the complainant on coming to his private office approached DGO-1 and insisted him to change the khatha of the said land bearing no.1/2 in his name as per the "J-slip" forwarded by the Sub-Registrar and forcibly thrust money in the hands of DGO-1. It is his further contention that, DGO-1 threw away the money, the complainant has forcibly thrust in his hand and started running out of the office and he/DGO-1 has also followed him/DGO-1 and Lokayukta police have caught hold of them and made false allegations against them that they have demanded and accepted bribe amount from the complainant. According to him, he never received any money from the complainant and his hand wash was not obtained and his hand wash did not give positive result regarding presence of phenolphthalein but, he has been falsely implicated with the false allegations of demand and acceptance of bribe made against him and taking up such contentions he has requested this authority to drop the proceedings against him.
5. Since the explanation offered by DGOs 1 and 2 were not satisfactory, a recommendation under Section 12(3) of the

Karnataka Lokayukta Act was forwarded to the Competent Authority recommending to initiate disciplinary proceedings against DGOs 1 and 2 and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, the Government of Karnataka in the Revenue Department by its order in No. RD 91 BDP 2011 dated 16.8.2011 initiated disciplinary proceedings against DGOs 1 and 2 and entrusted the enquiry to Hon'ble Upalokayukta to hold enquiry. As per the order issued against DGOs 1 and 2, the Hon'ble Upalokayukta issued a nomination order dated 26.8.2011 nominating ARE-4 to frame charges and to conduct enquiry against the DGOs 1 and 2. Accordingly, charges were framed by the then ARE-4 against the DGOs 1 and 2 as under.

“Charge:

“That you, DGO-1 Sri Suresh Kumar and DGO-2 Sri Madaiah while working as Revenue Inspector of Huthridurga Hobli and as Village Accountant of Yalagalawadi Circle in Huthridurga Hobli respectively in Kunigal Taluk of Tumkur district, the complainant namely Sri Nagarajaiah of Muddanapalya in Yeshwanthpur Hobli of Bengaluru North Taluk had purchased 1 acre 26 guntas of land in sy.no. 182 of Lingadevarapalya on 30.3.2007 under registered deed and 'J-slip' had been sent to the office of you DGO-1 through the Tahsildar office but, entries had not been made in his name inspite of repeated requests and then you DGO-1 asked for bribe of Rs. 10,000/- to attend his work and afterward you DGO-2 also asked for Rs. 10,000/- and after pleaded inability, you DGO-2 took Rs. 500/- available with the complainant asking to pay the balance

and afterward and on 11.3.2009 you DGO-1 took Rs. 15000/- from the complainant in the presence of you DGO-2 at his office in Kunigal to show official favour, failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966.

### Statement of Imputations of Misconduct

3. The complainant Sri Nagarajaiah of Muddanapalya in Yeshwanthpur Hobli of Bengaluru North Taluk had purchased 1 acre 26 guntas of land in sy.no. 182 of Lingadevarapalya on 30.3.2007. In that regard 'J-slip' had been sent to the office of DGO-1 through the O/o Tahsildar. But, entries had not been made in the name of the complainant inspite of repeated requests made to both DGOs. When the complainant told DGO-1 that he cannot come again and again and requested for attending his work, the DGO instead of attending his work, put forward a demand for bribe of Rs. 10,000/-. The complainant met the DGO again in the presence of DGO-2. Then both the DGOs demanded Rs. 20,000/- as bribe. When the complainant pleaded inability, the demand was reduced to Rs. 15000/-. When the complainant wanted to leave that place, DGO-2 took Rs. 500/- available with the complainant asking him to come with balance and some documents. Again the complainant approached DGO-1 and 2. Then also DGOs made demand for bribe instead of attending his work. The complainant was not willing to pay bribe and he lodgd a complaint before the Lokayukta Police Inspector, of Tumkur (hereinafter referred to as the Investigating officer, for

short 'the IO'). The IO registered the complaint in Cr.No. 1/2009 for the offences punishable U/S, 7,13(1)(d) R/w. 13(2) of the Prevention of Corruption Act 1988. During the course of investigation of the said crime, after tainted amount was given to DGO-1 in the presence of DGO-2 at Kunigal and while counting the amount DGO-1 entertained doubt and started running, then DGO-2 also started running but, they were caught hold and trapped by the IO on 11.3.2009 in the presence of panch witnesses and the IO seized the same in the presence of complainant, panchas and his staff. The O took statement of the DGOs in writing. During the course of investigation, the IO, recorded statements of the complainant, the panch witnesses and others. After receiving chemical examiner's report about the articles sent for chemical examination, the IO submitted final report of investigation against DGOs 1 and 2. The facts and materials of the investigation report show that, the DGO being public servants, failed to maintain absolute integrity and devotion to duty and committed misconduct. Therefore, a suo-moto investigation was taken up U/S 7(2) of the Karnataka Lokayukta Act and an observation note was sent to the DGOs calling for their explanations. The reply given by DGOs were not convincing to drop proceedings. The materials on record, prima facie show that, DGOs no.1 and 2 have committed misconduct as enumerated U/R 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966.

Therefore, a report u/s 12(3) of the Karnataka Lokayukta Act, was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against DGOs and to entrust enquiry U/R 14-A of KCS(CCA) Rules, 1957 to the Hon'ble

Upalokayukta. Accordingly, the Competent Authority initiated disciplinary proceedings against both the DGOs and entrusted U/R 14-A of KCS(CCA) Rules 1957 to the Hon'ble Upalokayukta. Hence, the charge."

6. The Articles of Charges and Statement of Imputations are duly served on DGOs 1 and 2. DGOs 1 and 2 have appeared in response to the notice issued to them and First Oral Statement of the DGOs 1 and 2 was recorded. DGOs 1 and 2 have denied the charges framed against them. They have engaged the services of advocates of their choice, to appear on their behalf and to defend them, in the enquiry.
7. DGOs 1 and 2 have filed their written statement jointly on 22.5.2014 denying the allegations made against them contending that, the charges framed against them are totally false and baseless, claiming that they deny the same in toto. They have not taken any specific defence in their written statement and hence their defense in their written statement, is one of total denial.
8. While the enquiry was pending before ARE-4, in pursuance of O.M. ಕರ್ನಾಟಕ/ಸಿಬ್ಬಂದಿ-1/54/2013-14 ದಿ: 1.3.2014, this enquiry file was withdrawn from the file of ARE-4 and was assigned to ARE-10 by nominating ARE-10 to proceed with the enquiry.
9. During enquiry, before ARE-10, on behalf of disciplinary authority, 4 witnesses have been examined as PW1 to PW4 and 10 documents came to be marked as Ex-P1 to Ex-P10. While the enquiry was pending before ARE-10 and the matter was posted for cross examination of PW-4, by virtue of order No. UPLOK-2/DE/2016, Bengaluru dated 3.8.2016 of Hon'ble Upalokayukta-2, this enquiry

file was withdrawn from the file of ARE-10 and was made over to ARE-3 to proceed with the enquiry and to submit report. Hence, the further proceedings in the enquiry was taken up before ARE-3. PW4 was summoned and was subjected to cross examination by the learned counsels for DGOs.

10. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGOs 1 and 2 was recorded. Since, DGOs 1 and 2 have desired to lead defence evidence, permission was granted to them accordingly.
11. During their defence evidence, DGO-1 has examined himself as DW-1 and DGO-2 has examined himself as DW-2 and 6 documents came to be marked in support of their defence as Ex-D1 to D6.
12. Thereafter, the learned Presenting Officer has filed written arguments. The learned counsel for DGOs 1 and 2 have submitted their written arguments jointly on behalf of DGOs 1 and 2. Thereafter, this matter is taken up for consideration.
13. The points that would arise for my consideration are:
  - Point No.1:** Whether the charge framed against the DGO-1 is proved by the Disciplinary Authority?
  - Point No.2:** Whether the charge framed against the DGO-2 is proved by the Disciplinary Authority?
  - Point No.3:** What order?
14. The above points are answered as under:
  - Point No.1:** In the 'Affirmative'
  - Point No.2:** In the 'Affirmative'
  - Point No.3:** As per Conclusion.

**REASONS****Point No.1 and 2 :-**

15. Both point no.1 and 2 are taken up for consideration together as common set of facts and evidence are required to be considered to answer those points.
16. DGO-1 was working as Revenue Inspector, Huthiridurga Hobli, Kunigal Taluk, Tumkur District and DGO-2 was working as Village Accountant, Yalagawadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumkur District, during the relevant period.
17. The complainant in his complaint has narrated in detail the circumstances under which he has filed this complaint. According to him, he has purchased 1.26 acres of land in sy. no. 1/2 of Lingadevara Palya from its owner Narasimahaiah, under a registered sale deed dated 30.3.2007 and the said sale deed has been registered in the O/o Sub-Registrar, Kunigal. The sub-Registrar, Kunigal forwarded 'J-slip' along with the copy of the sale deed and other documents to the O/o Tahsildar, Kunigal, for transferring the khatha of the said land in his name. The said 'J-slip' was forwarded from the O/o Tahsildar to the O/o Revenue Inspector for taking action on the basis of the said 'J-slip' and the said file was pending with DGO-2/Village Accountant. But, both DGOs 1 and 2 have intentionally delayed in transferring the khatha and kept the file pending with them unnecessarily. According to the complainant, though he approached DGOs 1 and 2 on several times they have unnecessarily made him to visit them repeatedly by dodging the action to be taken in changing the khatha in his name. Hence, he approached DGO-1 and requested him to take steps for changing



the khatha in his name as he is not in a position to come to his office very often. It is his allegation that, DGO-1 has demanded him to pay Rs. 10,000/- by way of bribe, in order to attend his said work. It is the contention of the complainant that, he pleaded his inability to pay that much amount and on the next day, he again met DGO-1 and even DGO-2 was present at that time and pleaded before them, his inability to pay that much amount and requested them to attend his work in changing the khatha of the said land in his name. It is his allegation that, DGOs 1 and 2 have demanded him to pay Rs. 20,000/- by way of bribe saying him that, then only his work will be attended. Since he pleaded his inability to pay any money by way of bribe, DGOs 1 and 2 have scaled down their demand insisting the complainant to pay atleast Rs. 15,000/- in order to attend his work. The complainant told DGO-1 and 2 that, he would adjust the amount and he would approach them again and at that time DGO-2 insisted him to pay Rs. 500/- by way of part payment and received the same and asked him to come with the demanded amount and also asked him to bring certain documents which are necessary to attend his work of change of khatha in his name.

18. Hence the complainant approached Lokayukta police, Tumkur on 7.3.2009 and told them about demand for bribe being made by DGOs 1 and 2. The Police Inspector gave him a voice recorder asking him to meet DGOs 1 and 2 again and record the conversation with them regarding the demand for bribe being made by them. Having taken the voice recorder with him complainant again approached DGOs 1 and 2 in the O/o DGO-1 and showed them certain documents and discussed with them about his work and DGOs 1 and 2 having seen the documents told the complainant that, those documents are sufficient and asked him to bring the money as demanded by them. Having recorded the said conversation with

DGOs 1 and 2 in the voice recorder entrusted to him and having adjusted the bait money of Rs. 15,000/- the complainant came to the Lokayukta Police Station on 11.3.2009 and filed complaint as per Ex-P1 and produced the conversation he has recorded with the DGOs 1 and 2, in the voice recorder entrusted to him.

19. On the basis of the complaint so filed by the complainant on 11.3.2009 the Police Inspector, Karnataka Lokayukta, Tumkur has registered a case in Cr. No. 1/2009 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
20. An entrustment proceedings was conducted in the Lokayukta Police Station on 11.3.2009 in the presence of two panch witnesses viz., Sri B.N. Nagaraju, SDA, O/o Executive Engineer, Tumkur and Sri K.C. Ramesh, Staff Nurse, District Hospital, Tumkur and in the said proceedings, the bait money of Rs. 15000/- consisting of 4 currency note of Rs. 1,000/- denomination and 22 currency notes of Rs. 500/- denomination each given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking him to give that money to DGOs 1 and 2 when he meets them and only in case if they demand for bribe. Panch witness Sri Nagaraj was sent along with the complainant, as a shadow witness. Complainant was entrusted with a voice recorder asking him to switch on the same when he meets DGOs and to record the conversation with them, while paying money to them.
21. The complainant and his brother-in-law Anjanappa along with the shadow witness, were taken to Kunigal and they were sent to the private office of DGO-2 situated just opposite to Government hospital, Rajakumar Extension where DGO-2 is having his private

office on the first floor of the building he has taken on rent from one Smt. Bhagyamma. The complainant and his brother-in-law along with the shadow witness went inside the office of DGO-2 and the complainant and his brother-in-law spoke to DGO-2 and told him that, they have brought the money. Then DGO-2 took the complainant and his brother-in-law to the ground floor and called DGO-1 through coin booth telling him that, the complainant and his brother in law have come with the money. Within 5 minutes DGO-1 came near the said building and all of them came to the first floor and came inside the private office of DGO-2. The complainant and his brother in law spoke to DGO-1 about his work of transfer of khatha and DGO-1 enquired the complainant as to whether he has brought money and the complainant gave the tainted notes to DGO-1. DGO-1 having received that money from the complainant started counting the said notes. He entertained doubt on feeling the powder smeared on the notes and immediately he threw away those notes on the floor and told DGO-2 that, they/complainant and brother in law, have murdered him and rushed out of the office, and started running away from the office. On seeing DGO-1 running out of the office, even DGO-2 followed him and started running out of the office. The complainant went out of the office and while giving pre-arranged signal to the Police Inspector, shouted at him that, they are the concerned persons and they are escaping and asked the Police Inspector to catch hold of them. Hence, the Police Inspector and his staff have managed to apprehend both DGO-1 and DGO-2 on chasing them and brought them back inside the office of DGO-2.

22. On enquiry the complainant told the Police Inspector that they are the Revenue Inspector and the Village Accountant and Revenue Inspector/DGO-1 having received money from him, while counting

entertained doubt and threw away the notes on the floor and ran away from the office to escape

23. The Police Inspector introduced himself to DGOs 1 and 2 and explained to them about the registration of a case against them and asked them to co-operate in the investigation. DGO-1 disclosed his name as Sri Suresh Kumar, Revenue Inspector, Huthiridurga Hobli, Kunigal Taluk, Tumkur District and DGO-2 disclosed his name as Sri Madaiah, Village Accountant, Yalagawadi Circle, Huthiridurga Hobli, Kunigal Taluk, Tumkur District.
24. Thereafter, the hand wash of DGO-1 was obtained asking him to wash his both hand fingers separately in two separate bowls containing sodium carbonate solution. When DGO-1 washed his right hand fingers and left hand fingers separately in two separate bowls containing sodium carbonate solution, the solution in both the bowls in which DGO-1 dipped his right hand and left hand fingers, turned into pink colour. Those pink coloured solution of right hand wash and left hand wash of DGO-1 were collected in two separate bottles and sealed the same.
25. Thereafter, the Police Inspector collected the amount that were found scattered on the floor in the office of the DGO-2 and those notes were cross checked with reference to its serial numbers and it was confirmed that, those were the notes entrusted to the complainant during the entrustment proceedings, and hence seized the same by keeping those notes in a cover.
26. Even the place where the tainted notes were found lying on the floor was swabbed by using a cotton swab and the said cotton swab was also packed and sealed and seized the same for sending it to

chemical examiner. Thereafter, the Police Inspector asked DGOs 1 and 2 to give their explanation in writing. DGO-1 gave his explanation in writing as per Ex-P8 and DGO-2 gave his explanation in writing as per Ex-P9.

27. The Police Inspector asked DGO-1 to produce the relevant file pertaining to the complainant and DGO-1 told that the said file and documents are available with DGO-2. DGO-2 took out a file and produced the same before the Police Inspector which contains the relevant documents of the complainant including the application filed by the complainant, 'J slip' received from O/o Sub-Registrar, and other documents produced by the complainant along with his application and the copies of those documents have been seized as per Ex-P10.

28. Having arrested DGOs 1 and 2 on following the arrest formalities, brought them to Taluk office, Kunigal since there was no electricity supply in the private office of DGO-2, in order to conduct further proceedings. The Police Inspector asked Shirestedar of Taluk office to produce the relevant register pertaining to receipt of J-slip from the office of the Sub-Registrar and accordingly, Sri Mohan Kumar Shirestedar produced the concerned register wherein at sl.no. 16 dated 4.4.2007 the receipt of J slip pertaining to the complainant was received and there was an entry regarding the receipt of 'J-slip' from the O/o Sub-Registrar. Even the receipt of the application filed by the complainant requesting for transfer of khatha was also found entered in the concerned inward register and the extract of those registers have been seized.

29. The voice recorder entrusted to the complainant was taken back from him and it was played in the presence of DGOs 1 and 2 and

panch witnesses and the conversation took place between the complainant, his brother in law Anjanappa with DGOs 1 and 2 were found recorded in it. The said conversation was transferred into a CD and the same was seized. A detailed mahazar as per Ex-P3 was got prepared incorporating all the details of the trap proceedings conducted in the private office of the DGO-2 and also in the Taluk office.

30. During enquiry, the complainant has been examined as PW1. But the complainant has not supported the case and turned hostile. According to him he having purchased land in sy.no. 1/2 filed application to Taluk office, Kunigal requesting for transfer of khatha and mutation in his name on the strength of the said sale deed but even after lapse of 2 years his work was not attended and hence he approached DGOs 1 and 2 and enquired with them about his application for transfer of khatha and they told him that, it is not within their power and the matter is pending before Assistant Commissioner. It is his evidence that, DGOs have not demanded him any bribe for doing his work but they have advised him to engage an advocate and to fight the case before the Assistant Commissioner. It is his further contention that, he approached Lokayukta police and told them about this fact. But he claimed that, he is not aware what the police have recorded in his complaint. Since he failed to give the particulars of entrustment proceedings conducted in the Police Station and details of the trap proceedings conducted in the private office of DGO-2, he has been treated as a hostile witness and he has been cross examined by the learned Presenting Officer. During his cross examination, he has denied all the suggestions put to him. He has further stated voluntarily during his cross examination that, when he went to the Taluk office, DGOs were present and he told the DGOs that, he has brought the amount

and with an intention to pay the said amount to the DGOs he was taking out the money from his pocket and during such process some currency notes fell down and DGO-1 picked up some currency notes from the floor and gave those notes to him. He further stated that, the remaining notes which were in his pocket, he threw away those notes on the ground and DGO-1 went out of the office.

31. Even the learned counsel for DGOs cross examined him and put various suggestions to him and obtained favourable answers from him to the various suggestions put to him. During his cross examination by the counsel for DGOs, it was elicited from him that, DGOs told him that, the case is in the Assistant Commissioner Court and asked him to fight the case by engaging an advocate. It is his further contention that, he requested the DGO to fight the case on his behalf before the Assistant Commissioner by engaging an advocate on his behalf and the amount of Rs. 15000/- which he carried on that day was to meet the expenses to fight the case before the Assistant Commissioner and he gave Rs. 15,000/- to DGO-1, towards the court expenses.

32. Considering the nature of the evidence given by PW1 and also he came up with a created story as to the circumstances under which the tainted notes came to be thrown out by him and lying on the floor that too during the cross examination by the learned Presenting Officer and considering the fact that, he gave positive answers to various suggestions put to him by the learned counsel for DGO and also the reason offered by him as to why he paid money to DGO-1, this is a clear case wherein, the complainant has been won over by DGOs 1 and 2 and because of this reason he came out with his own version during his cross examination by the learned Presenting Officer and because of this reason he has

deliberately and intentionally not supported the case of the disciplinary authority and turned hostile.

33. The shadow witness has been examined as PW2 who gave evidence regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted notes of Rs. 15,000/- to the complainant in the said proceedings. He has also stated that, the voice recorder produced by the complainant was played during the said proceedings and the conversation found recorded in the said voice recorder was transferred into CD and seized the same.
34. He has further stated that, he having accompanied the complainant and his brother in law Anjanappa went towards the private office of DGO-2 situated on the first floor of the building and further stated that, the complainant and his brother in law went inside the said office. But he said nothing that, he had also accompanied them and went inside the private office of DGO-2. He further stated that, the complainant came out of the office and told him that, he gave money to DGO-1 as demanded and DGO-2 is also there inside the said office.
35. He has further stated about obtaining of hand wash of both hands of DGO-1 and the solution in which DGO-1 washed his hand fingers turned into pink colour and deposed that, the amount given by the complainant to DGO-1 was found scattered on the mat since DGO-1 has thrown those notes after suspecting some powder on those notes. He has further stated that, the police have collected those notes and compared with the serial numbers and seized the same. He further stated about preparation of trap mahazar as per Ex-P3 and also narrated about the playing of voice recorder on taking the same from the complainant and claimed that, the conversation was



found recorded in it and further deposed other details of the trap proceedings.

36. Though PW2 while giving his evidence before ARE-10 during the pendency of enquiry before ARE-10, said nothing about the manner in which DGO-1 having demanded money from the complainant received the same from him, he was not treated as an hostile witness in order to elicit those details by cross examining him. The learned counsel for DGOs have cross examined him and during his cross examination PW2 claimed that, he was watching the transaction taken place between the complainant and DGOs, by standing by the side of the window. He has further stated that, DGO-1 while counting the notes received from the complainant since felt smearing of powder to those notes, thrown those notes on the mat and ran away from the office. He has further admitted in his cross examination by the counsel for DGO that, he has not actually seen complainant giving tainted notes to DGO-1 on that day, but voluntarily claimed that, he has seen DGO-1 counting the notes and thrown those notes on the mat and ran away from the office. Though various suggestions have been put to him by the learned counsel for DGO, all those suggestions have been categorically denied by him/PW2.

37. PW3 is another panch witness who was present along with PW2 during the entrustment proceedings and deposed about entrustment of tainted notes to the complainant in the said proceedings and he was also a co-signatory along with PW2 to the entrustment mahazar. He has also accompanied the Police Inspector and went inside the office of DGO-2 along with Police Inspector. He has stated in his evidence that, complainant and his brother in law along with the shadow witness went inside the private office of DGO-2 at about

3pm and complainant came out of the office and gave signal and also shouted that, DGOs are running away to escape and hence the Police Inspector and his staff have caught hold of both DGOs 1 and 2 on chasing them. He has further stated about obtaining of hand wash of DGO-1 which gave positive result and also recovery of tainted notes which were found lying on the floor, inside the private office of DGO-2. He has further stated that, the complainant disclosed before the Police Inspector that, DGO-1 having demanded money from him started counting the same and having felt powder smeared to those notes, threw away those notes on the floor and ran out of the office to escape and even DGO-2 followed DGO-1 and started running away to escape from arrest.

38. The learned counsel for DGOs has cross examined this witness and by way of putting suggestions, certain admissions were obtained from him that, during the entrustment proceedings, the bait money was put into a cover and the said cover was kept in the shirt pocket of the complainant. Except this admission given by PW2, all other suggestions put to him by learned counsel for DGOs, have been categorically denied by him/PW3.
39. PW4 is the IO who gave evidence in detail regarding the various stages of investigation he has conducted, right from the registration of a case against DGOs on the basis of the complaint filed by the complainant, conducting of entrustment proceedings and also gave details regarding the trap proceedings, giving details as to how they chased DGO-1 and 2 and apprehended them since, complainant shouted that they are the culprits and trying to escape. He further gave details regarding obtaining of hand wash of the both the hands of the DGO-1 which gave positive result regarding presence of phenolphthalein and recovery of tainted notes of Rs. 15,000/-

which were found scattered on the floor inside the office of DGO-2, giving of written explanation by DGOs 1 and 2 as per Ex-P8 and P9, the voice recorder entrusted to the complainant when played was found to contain the conversation took place between complainant, his brother in law Anjanappa with DGOs 1 and 2, seizure of the relevant documents pertaining to the complainant from DGO-2 as per Ex-P10 and other details of the trap proceedings. He has further stated that, he sent the seized articles to chemical examiner and received chemical examination report and other details of the investigation he has conducted.

40. The learned counsel for DGOs has cross examined him at length but, nothing was elicited during his cross examination to disbelieve the evidence of PW4. Various suggestions put to PW4 during his cross examination have been categorically denied by him.
41. DGOs 1 and 2 have adduced their defence evidence by examining themselves as DW-1 and DW-2 in support of their defence. DGO-1 tendered his evidence by way of sworn affidavit in lieu of his chief examination and taken up a contention that, when the complainant approached him, he advised the complainant to fight the case before the Assistant Commissioner as the previous Revenue Inspector Venkatappa has issued a shara stating that, the said land bearing sy.no. 1/2 is subjected to the provisions of Section 79 (A) & (B) of Karnataka Land Reforms Act and his request for transfer of khatha will be considered only on obtaining necessary orders from the Assistant Commissioner. He has further taken up a contention that, the complainant persisted him to change the khatha of the said land in his name and hence he/DGO-1 scolded him asking him to obtain orders from the Assistant Commissioner and because of this reason the complainant became angry towards him. He has further taken

up a contention that, DGO again approached him in his office on 11.3.2009 and kept the money on his table and he told him that, it is not possible to transfer the khatha in his name unless he obtains an order from the Assistant Commissioner and pushed the amount towards him. It is his specific contention that, since he scolded him/complainant asking him to obtain orders from the Assistant Commissioner, the complainant became angry towards him and filed false complaint against him making false allegations that, he has demanded bribe from him. It is his further contention that, the file pertaining to the complainant was not at all pending with him and since no work of the complainant was pending with him, question of he demanding any bribe from the complainant does not arise. He has produced 5 documents during the course of his defence evidence which came to be marked as Ex-D2 to D6.

42. The learned Presenting Officer has cross examined him at length and put various suggestions to him. But, DGO-1/DW-1 has conveniently denied all those suggestions put to him.
43. DGO-2 has tendered his defence by way of sworn affidavit in lieu of his chief examination and denied that, he has demanded bribe from the complainant in order to attend his work of transfer of khatha in his name. He has further taken up his contention that, on receiving the file pertaining to the complainant from the former Revenue Inspector Venkatappa, he issued notice in form no.21 and since nobody have filed any objections, he has submitted a report by noting down that, the said land is subjected to Section 79 (A)&(B) of Karnataka Land Reforms Act and because of this reason complainant became angry towards him and filed a false complaint against him.

44. Learned Presenting Officer has cross examined DW-2 and put various suggestions to him. He has conveniently denied all the suggestions put to him by the learned Presenting Officer.
45. Considering the evidence of PW1 to PW4 and the documents produced on behalf of the disciplinary authority during this enquiry and also considering the defence evidence given by DGOs 1 and 2, it has to be decided whether the disciplinary authority was able to establish the charges against DGOs 1 and 2.
46. Though the complainant has not stated anything about filing of the complaint as per Ex-P1 to the Police Inspector, PW4/IO has categorically stated that, he has registered a case on the basis of the complaint filed by the complainant as per Ex-P1. But the complainant has admitted his signature on the complaint but failed to explain under what circumstance he filed this complaint. I have already concluded while discussing the evidence of PW1 that, he has been won over by DGOs and made him to give evidence in such a manner as per instructions given to him on behalf of DGOs. Therefore, considering the evidence of PW4/IO that, he has registered the case on the basis of the complaint filed by the complainant, I have no hesitation to place reliance on Ex-P1 and also the contents of the complaint and allegations made against DGOs 1 and 2, in the said complaint.
47. The fact of giving of Rs. 15000/- by the complainant to the hands of DGO-1 has been admitted by PW1/complainant, that too in his cross examination. During his cross examination by the learned Presenting Officer he has stated that, he told the DGOs that, he has brought the amount and intended to pay the said amount to DGO-1 by taking out from his pocket and during the process of taking out

money from his shirt pocket, certain notes fell down and DGO-1 picked up some currency notes lying on the ground and gave those notes to him. But during the cross examination by the learned counsel for DGO, he has stated that, he carried Rs. 15000/- with him on that day and since DGOs asked him to fight the case before the Assistant Commissioner, he asked them/DGOs to fight the case on his behalf and hence DGOs asked him to bring money for fighting the said case on his behalf telling him that, an advocate needs to be engaged and case has to be fought before the Assistant Commissioner with the assistance of the Advocate. He/complainant has further stated during his cross examination that, DGO-1 told him that, he will engage an Advocate on his behalf and fight the case before AC court on his behalf and to meet the expenses of fighting case before the AC court, DGO-1 asked him to pay money and hence he gave Rs. 15000/- to DGO-1 towards the court expenses as per his direction. Considering this portion of the evidence of the complainant who voluntarily came out with these details claiming that, he gave Rs. 15000/- to DGO-1 on that day towards the court expenses since, DGO-1 promised him that, he would engage an Advocate and fight the case on his behalf before the AC court. Therefore, this admission of the complainant is sufficient to conclude that, the complainant gave Rs. 15000/- to DGO-1 on the day of trap and DGO-1 received tainted notes of Rs. 15000/- from the complainant, on that day.

48. But the question for my consideration is the contention taken by the complainant that, he gave that money of Rs. 15000/- to DGO-1 to fight case on his behalf before the AC court, whether can be believed.

49. DGO-1 has submitted his reply dated 8.4.2011 to the observation note served on him and he has taken up a specific contention by way of his defence that, on 11.3.2009, complainant kept the money on his table and he having refused to receive that money from the complainant pushed the money towards him. The relevant portion of his defence contention reads as follows:

“ಶ್ರೀ ನಾಗರಾಜಯ್ಯನವರು ಸಂಚು ರೂಪಿಸಿ ದಿನಾಂಕ 11.3.2009 ರಂದು ನಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವಾಗ ಬಂದು ಸದರಿ ನಾಗರಾಜಯ್ಯನವರು ಹಣವನ್ನು ನನ್ನ ಟೇಬಲ್ ಮೇಲಿರಿಸಿದಾಗ ನಾನು ಏಕೆ ಹಣ ಇಲ್ಲಿ ಇಡುತ್ತಿದ್ದಿಯಾ, ಏಕೆ ತಂದಿದ್ದಿಯಾ, ನಿಮ್ಮ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಈಗಾಗಲೇ ತಿಳಿಸಿಲ್ಲವೆ ಎಂದು ಅವರು ಟೇಬಲ್ ಮೇಲೆ ಇಟ್ಟಿದ್ದ ಹಣವನ್ನು ಅವರ ಕಡೆಗೆ ತಳ್ಳಿರುತ್ತೇನೆ.”

50. But DGO-2 in his reply to observation note has taken up a contention that, the complainant has forcibly thrust money in the hands of DGO-1. The relevant portion of his defence contention reads as follows:

“ಅಷ್ಟರಲ್ಲಿ ನಮ್ಮ ಕಛೇರಿಗೆ ಬಂದು ಕಂದಾಯ ತನಿಖಾಧಿಕಾರಿಗಳು ಕುಳಿತರು. ಅದೇ ಸರ್ ಮೊನ್ನೆ ದಾಖಲಾತಿ ಕೊಟ್ಟು ಹೋದವು ಹಳೇ ಸ್ಲಿಪನ್ನು ಖಾತೆ ಮಾಡಿಸಿ ಕೊಡು ಎಂದು ಹೇಳಿದವಲ್ಲಾ ಅದರ ಬಗ್ಗೆ ಹಣದ ವಿಚಾರ ಬರುತ್ತದೆ ಎಂದು ಬಲವಂತದಿಂದ ಕಂದಾಯ ತನಿಖಾಧಿಕಾರಿಗಳ ಕೈಗೆ ತುರುಕಿದರು, ಹಾಗೂ ಕಂದಾಯ ತನಿಖಾಧಿಕಾರಿಗಳು ಪ್ರತಿಭಟಿಸಿ ನೆಲಕ್ಕೆ ಹಾಕಿ ಓಡಿ ಹೊರಕ್ಕೆ ಹೋಗುತ್ತಿದ್ದಾಗ ಸಂಬಂಧಪಟ್ಟ ನಾಗರಾಜಯ್ಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ರವರಿಗೆ, ವಿಚಾರ ತಿಳಿಸಿದಾಗ ಓಡಿ ಹೋಗುತ್ತಿದ್ದ, ಕಂದಾಯ ತನಿಖಾಧಿಕಾರಿಗಳನ್ನು ಹಿಡಿದು ಕರೆ ತಂದರು.”

51. But DGOs 1 and 2 have not taken up such a defence contention in their written statement and they have jointly filed their written statement just denying the charges against them but, did not take up any specific defence contention. But in his defence evidence

DGO-1 has taken up the same contention that, the complainant kept the money on his table and he having refused to receive the same pushed the money towards him. But no such suggestion was put to the complainant during his cross examination that, though he/complainant offered money to him/DGO-1 by keeping the money on his table, he/DGO-1 refused to receive that amount and pushed that money towards him. In the absence of any such suggestion put to complainant, the defence contention taken by DGO-1 cannot be believed.

52. The fact of giving written explanation by DGO-1 as per Ex-P9 is not disputed or denied on behalf of DGO-1. While giving his written explanation, he has not come out with any explanation as to the circumstances under which his hands came in contact with the tainted notes and because of that reason the hand wash of his both hands obtained during the trap proceedings gave positive result regarding presence of phenolphthalein. There was no impediment for him to take up such a contention while giving his written explanation as per Ex-P9 that, complainant kept the money on his table and he pushed those notes towards him while refusing to receive that money from him. Hence, the omission on the part of DGO-1 in taking up such a contention in his written explanation, Ex-P9 is also another factor which made me to disbelieve the defence contention taken by DGO-1, in this enquiry.

53. But on the other hand, the complainant has categorically admitted giving of Rs. 15,000/- to DGO-1 on that day and claimed that, he gave that money to DGO-1 to fight the case on his behalf before the AC court by engaging an Advocate. But such a defence contention was not taken by DGO-1 either in his reply to observation note or in his defence evidence. In view of the fact that, DGO-1 has received



Rs. 15000/- from the complainant and the hand wash of both his hands since gave positive result regarding presence of phenolphthalein, I have no hesitation to conclude that, DGO-1 received tainted notes of Rs. 15000/- from the complainant and as per the contents of the trap mahazar and as per the narration of the complainant before the Police Inspector during the trap proceedings that, DGO-1 while counting those notes felt powder smeared to those notes and having thrown away those notes on the ground in the office of DGO-2, tried to escape by running out of the said office of DGO-2.

54. DGO-2 admittedly has not received the money from the complainant and hence his hand wash was not obtained. The allegation against him is that, he has demanded bribe from the complainant to attend his work and as per the allegation in the complaint, DGO-1 initially demanded him Rs. 10,000/- by way of bribe and when he met DGO-1 on the next day, DGO-2 was also present and both of them have demanded the complainant to pay Rs. 20,000/- which was reduced to Rs. 15000/- by them. Therefore, as per the allegation in the complaint, DGO-2 has also joined hands with DGO-1 in demanding bribe from the complainant, including his share of the bribe amount.
55. DGO-2 in his written explanation has admitted that, complainant approached him in his private office and enquired him about DGO-1 and he having telephoned to DGO-1 secured his presence to his office on that day. But it is his defence contention that, the complainant forcibly thrust money in the hands of DGO-2 while talking with him about his work of transfer of khatha. But DGO-1 has not taken up such a contention that, complainant forcibly thrust money in his hand. But the presence of DGO-2 has been

established while the complainant paying money to DGO-1 since DGO-2 has admitted his presence in his office on that day and further admitted securing the presence of DGO-1 to his office on telephoning him.

56. Further, DGO-2 in his written explanation, Ex-P9 has not come out with such a defence contention that, the complainant forcibly thrust money in the hands of DGO-1. Even while giving his defence evidence, he has not taken up such a contention and no explanation has been offered by him as to why he secured the presence of DGO-1 to his office on that day and why he started running out of the office along with DGO-1 and the reason as to why the tainted notes were found scattered on the floor in his office. Except denying the charges against him, he has not come out with any specific defence and also explaining the reason as to why the complainant filed complaint both against him and DGO-1, making allegations of demand for bribe against them.
57. Admittedly, the documents Ex-P10 has been seized from the possession of DGO-2 from his office on the day of trap which fact has not been disputed or denied on behalf of DGO-2. Moreover, he has admitted in his defence evidence that, he has published form no.21 and submitted his report as per Ex-P10(A) which was made in the year 2007. Having made such an endorsement as per Ex-P10(A) he has kept the file pending with him and the file was in his office and in his possession which he has produced before the Police Inspector during the trap proceedings. No documents have been produced to show that, the land bearing sy.no. 1/2 is subjected to section 79(A)&(B) of KLR Act and the matter is pending before the Assistant Commissioner. There is an endorsement by the previous Revenue Inspector K.L. Venkatappa which reads as follows:

“ಕಡತವನ್ನು ಪರಿಶೀಲಿಸಿದ ಪ್ರಪತ್ರ 21ನ್ನು ಜಾರಿ ಮಾಡಿರುತ್ತದೆ ತಕರಾರು ಬಂದಿರುವುದಿಲ್ಲ  
ಕ್ರಯದಾರರಾದ ನಾಗರಾಜಯ್ಯನವರ ಬಾಬು 79ಎ ಮತ್ತು 79ಬಿಗೆ ಪರಿಶೀಲನೆಗೆ  
ಒಳಪಡಿಸಿದೆ.”

58. This endorsement was made on 28.8.2007 and as per this endorsement, the prayer of the complainant has been subjected to verification under Section 79 (A&B) of KLR Act but no further action has been taken up on the basis of this endorsement and even DGO-1 has not come out with any explanation as to why no action was taken on the basis of this endorsement. Both the complainant/purchaser and his Vendor have filed an affidavit before the Sub-Registrar on the day of the registration of the sale deed that, the said sale transaction is not opposed to Section 79(A)&(B) of KLR Act. Therefore, merely on the basis of the endorsement of the former Revenue Inspector, it cannot be concluded that, the land in question is subjected to provisions of KLR Act. In the absence of any supporting documents, the contention of the DGOs that, the said transaction of sale in favour of the complainant is opposed to the provisions of KLR Act, cannot be believed. Moreover, DGOs 1 and 2 have not come out with any explanation as to why the file pertaining to the complainant was in the possession of DGO-2 without returning the said file to the O/o Tahsildar. Considering these aspects, I have no hesitation to conclude that, the work of the complainant regarding transfer of khatha in terms of the sale deed obtained by him, was pending with DGOs 1 and 2 and they have kept pending the said file from 2007 without attending the same. Further no documents or records have been produced by DGOs 1 and 2 to show that, the sale transaction in favour of the complainant with respect to that land bearing sy.no. 1/2 was in

contravention of Section 79A and 79B of Karnataka Land Reforms Act. Since no evidence has been produced to believe such a contention taken by DGOs 1 and 2, I have no hesitation to conclude that, the file of the complainant was deliberately kept pending by DGO-2 probably in order to extract money from the complainant and both DGOs 1 and 2 have connived together and by making use of the opportunity of pendency of the request of the complainant since more than 2 years, they tried to encash the said situation, by demanding bribe from the complainant and DGO-1 on coming to the office of DGO-2 received the bribe amount of Rs. 15,000/- from the complainant and while receiving the tainted money, he having entertained doubt on touching the currency notes since smeared with phenolphthalein powder, threw away that notes on the floor in the private office of DGO-2 and tried to run away in order to escape, to avoid apprehension by Lokayukta police. While running away from the office, DGO-1 has even warned DGO-2 asking him to escape to avoid being trapped by Lokayukta police. Considering the sequence of events happened during the trap proceedings, I have no hesitation to conclude that, DGOs 1 and 2 have demanded bribe from the complainant in order to attend his work and on the day of trap DGO-1 received the tainted notes from the complainant not only on his behalf but even on behalf of DGO-2 in the private office of DGO-2 and in the presence of DGO-2 and therefore, I conclude that, the disciplinary authority was able to establish the charges against both DGOs 1 and 2.

59. It is pertinent to note that, both DGOs 1 and 2 have been prosecuted by Lokayukta police before Spl. Court, Tumkur and they have faced trial before the II Additional District and Session Judge, Tumkur in Spl. C. No. 124/2010. The learned Special Judge vide judgment dated 27.9.2014 proceeded to convict DGO-1/accused

no.1, but acquitted DGO-2/accused no.2 since he has not received tainted notes from the complainant during the trap proceedings. Hence, giving him benefit of doubt the learned Special Judge acquitted DGO-2 but convicted DGO-1 by imposing sentence of imprisonment and fine against him. Being aggrieved by his conviction, DGO-1 challenged the said judgment of conviction passed against him, by filing appeal before the Hon'ble High Court of Karnataka, Bengaluru in Criminal Appeal No. 975/2014. Hon'ble High Court on re-appreciating the evidence adduced by the prosecution before the Trial Court, allowed the said appeal vide judgment dated 12.8.2015, by holding that, accused no.1 is entitled for benefit of doubt and on that ground proceeded to acquit the DGO-1/accused no.1.

60. It is now well settled that, the appreciation of evidence in a criminal trial wherein the evidence will be appreciated on the touch stone of proof beyond doubt whereas, in a disciplinary proceedings the evidence will be considered on the touch stone of preponderance of probabilities. I have already considered the evidence of PW2 and PW4 with reference to documentary evidence produced on behalf of disciplinary authority and arrived at a conclusion that, though the complainant has failed to support the case of the disciplinary authority since turned hostile, the other materials on record are sufficient to conclude that both DGOs 1 and 2 have demanded bribe from the complainant and on the day of trap DGO-1 in the presence of DGO-2 and in the private office of DGO-2, demanded and accepted bribe amount of Rs. 15,000/- to attend the work of the complainant pending with them. Therefore, the acquittal of DGO-1 by the Hon'ble High Court will not come in the way of considering the evidence adduced on behalf of the disciplinary authority in this enquiry independently, in order to arrive at a conclusion as to

whether disciplinary authority was able to establish the charges against DGOs 1 and 2. Having regard to the evidence adduced on behalf of the disciplinary authority both oral and documentary and having regard to the failure on the part of DGOs 1 and 2 in substantiating their defence by adducing cogent and convincing evidence, , I have already concluded that, DGOs 1 and 2 are guilty of misconduct in demanding bribe from the complainant and DGO-1 received the bribe amount of Rs. 15000/- not only on his behalf but also on behalf of DGO-2, in pursuance of the demand for bribe put forth by them with the complainant. Accordingly, I hold that, the charges against DGOs 1 and 2 are established by the disciplinary authority and point no.1 and 2 are answered accordingly in the affirmative.


**Point No.3:**

61. Having regard to the discussion made above, and in view of my findings on point no.1 and 2 as above, my conclusion is as follows:

**CONCLUSION**

i) The Disciplinary Authority has proved the charge as framed against DGO-1 Sri Suresh Kumar, the then Revenue Inspector, Huthiridurga Hobli, Kunigal Taluk, Tumkur District(Presently working as FDA in the Taluk office, Turuvekere of Tumkur District) and DGO-2 Sri Madaiah, the then Village Accountant, Yalagawadi Circle, Huthridurga Hobli, Kunigal Taluk, Tumkur District (now retired)

ii) As per the First oral statement, the date of birth of DGO-1 is 16.9.1974 and he is due for retirement on 30.9.2034 and date of birth of DGO-2 is 01.6.1956 and he has already retired from service on 31.5.2016



(S. Renuka Prasad)  
Additional Registrar of Enquiries-3  
Karnataka Lokayukta, Bengaluru.

**ANNEXURES****I. Witnesses examined on behalf of the Disciplinary Authority:**

|             |                                                     |
|-------------|-----------------------------------------------------|
| <b>PW-1</b> | Sri Nagarajaiah (complainant) (original)            |
| <b>PW-2</b> | Sri B.N. Nagaraj (original)                         |
| <b>PW-3</b> | Sri K.C. Ramesh (original)                          |
| <b>PW-4</b> | Sri Umashankar B (investigation officer) (original) |

**II. Witnesses examined on behalf of the DGO:**

|             |                                     |
|-------------|-------------------------------------|
| <b>DW-1</b> | Sri Suresh Kumar (DGO-1) (Original) |
| <b>DW-2</b> | Sri Madaiah (DGO-2) (original)      |

**III Documents marked on behalf of D.A.**

|                |                                                |
|----------------|------------------------------------------------|
| <b>Ex.P-1</b>  | Certified copy of the complaint                |
| <b>Ex.P-2</b>  | Certified copy of entrustment mahazar          |
| <b>Ex.P-3</b>  | Certified copy of the trap mahazar             |
| <b>Ex.P-4</b>  | Certified copy of the RTC extract              |
| <b>Ex.P-5</b>  | Certified copy of sale deed                    |
| <b>Ex.P-6</b>  | Certified copy of agriculturist certificate    |
| <b>Ex.P-7</b>  | Certified copy of genealogy                    |
| <b>Ex.P-8</b>  | Certified copy of written explanation of DGO-1 |
| <b>Ex.P-9</b>  | Certified copy of written explanation of DGO-2 |
| <b>Ex.P-10</b> | Certified copy of records seized by IO         |

**IV. Documents marked on behalf of DGO:**

|              |                                                                      |
|--------------|----------------------------------------------------------------------|
| <b>Ex-D1</b> | Certified copy of statement of PW1 dated 12.3.2009 in Spl. C. 1/2009 |
| <b>Ex-D2</b> | Certified copy of extract of computer register                       |
| <b>Ex-D3</b> | Certified copy of OM dated 29.8.2008 issued by Tahsildar, Kunigal    |
| <b>Ex-D4</b> | Xerox copy of O.M. dated 23.8.2008 issued by DC, Tumkur              |
| <b>Ex-D5</b> | Certified copy of charge list                                        |
| <b>Ex-D6</b> | Reply given to observation note by DGO-1 (original)                  |



**V. Material Objects marked on behalf of the D.A: Nil**



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Additional Registrar of Enquiries-3,  
Karnataka Lokayukta, Bengaluru.

