



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/312/2011/ARE-3

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 19.07.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Shri Bhojaraja Acharya,  
the then Chief Officer, Saligrama Pattana  
Panchayathi, Saligrama, Udupi Taluk & District - reg.

Ref:- 1) Government Order No.UDD 104 DMK 2011  
dated 21.09.2011.

2) Nomination order No. LOK/INQ/14-  
A/312/2011 dated 30.09.2011 of  
Upalokayukta, State of Karnataka.

3) Inquiry report dated 17.07.2021 of  
Additional Registrar of Enquiries-3, Karnataka  
Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 21.09.2011 initiated the disciplinary proceedings against Shri Bhojaraja Acharya, the then Chief Officer, Saligrama Pattana Panchayathi, Saligrama, Udupi Taluk & District, [hereinafter referred to as Delinquent Government Official, for short as 'DGO' ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination LOK/INQ/14-A/312/2011 dated 30.09.2011 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, the matter was transferred to ARE-10 and finally, by order dated 3.8.2016, Additional Registrar of Enquiries-3, was re-nominated as the Inquiry Officer to continue the said inquiry.

3. The DGO was tried for the following charges:-

“That you Shri Bhojaraja Acharya, the DGO while working as the Chief Officer of Saligrama Pattana Panchayathi in Udipi Taluk & District, the complainant namely Sri K.P.Shekhar was running a shop by name “M/s Maithri Service Centre”, situated in building No.1/23 belonging to Saligrama Pattana Panchayathi on a monthly rent of Rs.270/- which was auctioned and after the expiry period on 22.7.2006 revised monthly rent was fixed at Rs.2475/- to the said shop and afterwards rent of another shop of the same building was fixed at Rs.1750/-, therefore, the complainant approached you to get rent of his shop reduced and then you demanded bribe of Rs.10,000/- from the complainant and after bargain bribe amount was reduced to RS.8000/- receiving Rs.1000/- in the month of December 2006 asking the complainant to pay the balance in January 2007 and on 01.02.2007 took bribe of Rs.2000/- from the complainant to show official favour, failing to

maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby 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 above charge against the DGO Shri Bhojaraja Acharya, the then Chief Officer, Saligrama Pattana Panchayathi, Saligrama, Udupi Taluk & District, is 'proved'.

5. On re-consideration of report of inquiry and all other materials on record, 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 Enquiry Officer.


6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri Bhojaraja Acharya, has retired from service on 30-04-2016.

7. Having regard to the nature of charge '*proved*' against the DGO and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty

of 'permanently withholding 35% of pension payable to  
DGO Shri Bhojaraja Acharya,'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*

**KARNATAKA LOKAYUKTA**

No:LOK/INQ/14-A/312/2011/ARE-3

M.S. Building,  
Dr. Ambedkar Veedhi,  
Bangalore, Dated: 17-07-2021**ENQUIRY REPORT**

**Present:** Smt.H.G.Vijaya Kumari,  
Additional Registrar Enquiries-3,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:** Departmental Inquiry against Sri.Bhojaraja Acharya, the then Chief Officer, Saligrama Pattana Panchayathi, Saligrama, Udupi Taluk, Udupi District.-  
reg

**Ref:** (1) Government Order No.NaAaE 104 DMK 2011,  
Bengaluru dated 21/09/2011

(2) Nomination Order No. LOK/INQ/14-  
A/312/2011/ARE-3 Bengaluru dt.30-09-2011

\*\*\*

**Preamble:**

1. This is a Departmental Enquiry directed on the basis of Government Order No. NaAaE 104 DMK 2011 dt.21-09-2011 against Sri.Bhojaraja Acharya, the then Chief Officer, Saligrama Pattana Panchayathi, Saligrama, Udupi Taluk, Udupi District (herein after referred to as Delinquent Government Official, in short 'DGO')

le  
17/7/2021

2. The Hon'ble Upalokayukta-2 has nominated Additional Registrar of Enquiries-4, office of the Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO as per the nomination order dated 30-09-2011. Accordingly, Articles of Charge was framed by Additional Registrar Enquires-4. Vide Order No.UPLOK-2/DE/2016 dated 3/8/2016 of Hon'ble Upalokayukta-2, this file transferred to Additional Registrar of Enquiries-3 and Articles of Charge as against DGO is as under;

That, you Sri.Bhojaraja Acharya, the DGO, while working as the Chief Officer of Saligrama Pattan Panchayathi in Udupi Taluk & District, the complainant namely Sri.K.P.Shekhar was running a shop by name "M/s Maithri Service Centre", situated in building No.1/23 belonging to Saligrama Pattan Panchayathi on a monthly rent of Rs.270/-, which was auctioned and after the expiry period on 22/07/2006 revised monthly rent was fixed at Rs.2475/- to the said shop and afterwards rent of another shop of the same building was fixed at Rs.1750/-, therefore, the complainant approached you to get rent of his shop reduced and then you

*legit/2011*

demanded bribe of Rs.10,000/- from the complainant and after bargain bribe amount was reduced to Rs.8000/- receiving Rs.1000/- in the month of December 2006 asking the complainant to pay the balance in January 2007 and on 01/02/2007 took bribe of Rs.2,000/- from the complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of Government Servant and thereby committed mis-conduct as enumerated U/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**STATEMENT OF IMPUTATION OF MISCONDUCT**  
**IS AS FOLLOWS:-**

The complainant namely Sri.K.P.Shekharappa was running a shop in name and style "M/s Maithri Service Centre" situated in building No.1/23 belonging to Saligrama Pattana Panchayathi on a monthly rent of Rs.270/-. The said shop was auctioned and after expiry of contract period on 22/07/2006 the rent was revised to Rs.2475/- per month. The complainant took the said shop in auction. One Sri.Venkataramana Nairi had taken a different shop in the same building on a monthly rent of Rs.1750/-. The said Sri.Venkataraman Nairi

*lap*  
*17/7/2021*

sought for lesser rent for his premises. The DGO advised the said Sri.Venkataraman Nairi to surrender the premises and asked him to participate in auction in the name of his wife. Accordingly, another shop premises was auctioned and given in the name of the wife of Sri.Venkataraman Nairi on a monthly rent of Rs.450/-. Coming to know the said fact, the complainant approached the DGO and asked to reduce the rent of his shop also. Then the DGO demanded Rs.10,000/- to show official favour for him. The complainant expressed his inability and after bargain DGO agreed to receive Rs.8000/- to show official favour to the complainant. The complainant sought for time to give bribe money. The DGO agreed for the same. During the month of December 2006 he gave Rs.1000/- to the DGO and the DGO asked the complainant to pay the balance in the month of January 2007. The complainant was not willing to pay bribe as demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta Police Inspector of Udupi (herein after referred to as the Investigating Officer, for short, the I.O"). The I.O registered the complaint in Cr.No.1/2007 for the offence punishable U/s 7, 13(1)(d) R/w 13(2) of the

*lap 12/31/2007*



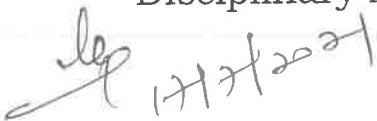
Prevention of Corruption Act 1988. During the course of Investigation into the said crime, when the tainted amount of Rs.2000/- was given by the complainant to the DGO, the DGO accepted the same and kept the same on his table and asked his staff Sri.Praveen to take the same, who in turn took the money and handed over the same to one Sri.Raghavendra a contractor who was present there. The I.O trapped the DGO on 01/02/2007 in the presence of complainant, Panch witnesses and his staff at Pattan Panchayathi Office and seized the tainted amount under mahazar, after following post trap formalities. The I.O took statement of the DGO in writing and recorded the statements of the complainant, panch witnesses and others. The I.O subjected the seized articles for chemical examination and obtained report of the chemical examiner. The result of the report of Chemical Examiner was positive. The facts and materials collected by I.O. during the course of investigation showed, prima facie, case about the DGO receiving bribe for discharging his official duty as a public servant. Therefore, a suo-moto investigation was taken up U/s 7(2) of Karnataka Lokayukta Act against the DGO and an observation note was sent to the DGO calling for his explanation. The reply

*lsp 17/2/2007*

given by the DGO was not convincing and not satisfactory to drop the proceedings. As there was prima facie case showing that the DGO committed misconduct as per rule 3(1)(i) & (iii) of KCS (Conduct) Rules, 1966, a report U/s 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust the departmental enquiry to the Hon'ble Upalokayukta U/R 14-A of K.C.S. (CCA) Rules. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta. Hence, the charge.

3. DGO appeared before Enquiring Authority in pursuance to service of Articles of Charge.
4. First oral statement was recorded wherein D.G.O pleaded not guilty and claimed for conducting enquiry.
5. DGO has filed written statement denying the allegations made against him.
6. The following witnesses were examined on behalf of the

Disciplinary Authority

Handwritten signature and date: 17/7/2011

- (1) PW1: Prabhakar
- (2) PW2: K.P.Shekar
- (3) PW3: Ravindranath Rai
- (4) PW4: Prasanna V Raju
- (5) PW5: Prabhudev Mane

7. The following documents were marked as exhibits on behalf of the disciplinary authority

- Ex.P-1: Entrustment mahazar
- Ex.P-2: Statement of DGO
- Ex.P-3: Attendance Register
- Ex.P-4: Property seized Mahazar
- Ex.P-5: Complaint given by the complainant
- Ex.P-6: First Information Report
- Ex.P-7: Letter dated 28/03/2007 of S.P.
- Ex.P-8: FSL report
- Ex.P-9: Statement of Praveen
- Ex.P-10: Statement of Raghavendra

8. Second Oral Statement of DGO was recorded.

9. The DGO examined himself as DW3 and other witnesses have been examined on behalf of DGO.

- DW1: Praveen
- DW2: Raghavendra Holla
- DW3: Bhojaraja Achar (DGO)

10. The following documents were marked as exhibits on behalf of the DGO:

- Ex.D-1: Proceedings of auction
- Ex.D-2: Notice dated 10/08/2006
- Ex.D-3: Notice dated 24/08/2006
- Ex.D-4: Acknowledgement dated 28/08/2005
- Ex.D-5: First Information Report

*See 17/7/2007*

11. The Presenting Officer filed written brief on behalf of Disciplinary Authority. Advocate for DGO has submitted written brief on behalf of DGO.

12. Points that arise for determination are as follows:-

1) Whether the charges framed against the DGO is proved by the Disciplinary Authority?

2) What Order?

13. Answer to the aforesaid points are as follows:

Point No. 1- In the **AFFIRMATIVE**

Point no. 2 -As per the final order for the following

### **REASONS**

#### **POINT No.1:**

14. The Disciplinary Authority has to prove the charge against the DGO Sri.Bhojaraj Achar. Perused the evidence of PWs 1 to 5. On perusal of the complaint Ex.P5 the complainant has stated that he was running a shop building belonging to Saligram Pattan Panchayath in the name of Mythri Service Centre, Door No.1-123 on a monthly rent of Rs.270/-. The shop was auctioned after expiry of the

*leg 17/7/2021*

contract on 22/7/2006 and revised monthly rent of Rs.2,475/-was fixed. The complainant took the shop in auction. One Venkataramana Nayari has taken a shop in the same building on monthly rent of Rs.1,750/-. Again said Venkataramana Nayari went to Saligrama Pattan Panchayathi to surrender the premises as he unable to pay the rent and thereafter on 18/02/2006 again said shop premises was auctioned and allowed in the name of Smt.Shanthamma W/o Venkataramana Nayari on monthly rent of Rs.450/-. The complainant after coming to know the said facts, approached DGO to re-fix the rent and to reduce the rent amount to his shop premises. DGO demanded bribe of Rs.10,000/- to do official favour. The complainant expressed his inability. After bargain, DGO agreed to receive Rs.8,000/- for doing official favour to the complainant. Complainant sought for installments. Complainant during December 2006 gave Rs.1,000/- to the DGO. DGO asked the complainant to pay the balance in month of January 2007. Thereafter, complainant has filed present complaint

*dep 12/2/2007*

before the Lokayukta Police and case is registered in Cr.No.1/2007 U/s 7, 13(1)(d) r/w 13(2) of P.C.Act.

15. The complainant has examined himself as PW2. He reiterated the facts as stated in the complaint. He has stated that DGO demanded bribe of Rs.10000/- to get Pattana Panchayath shops on a lesser rent. He is not willing to pay the bribe, he went to Lokayukta police station and filed the complaint. The Lokayukta Police secured the panch witnesses Prabhakar and Ravindranath Rai and introduced them to him, explained the contents of the complaint to them. He produced three currency of Rs.500/- and five currency of Rs.100/- denomination each. Panch witnesses noted down the currency note numbers. Thereafter Police Inspector applied phenolphthalein powder to the notes and those notes were kept in his left side shirt pocket. His hand wash was taken and the solution turned into pink colour. The Police Inspector gave voice recorder and instructed him to record the conversation between him and DGO when he meets the DGO in his office.


*leg*  
12/7/2021

Entrustment mahazar was prepared as per Ex.P1, and photographs were taken. Thereafter, all of them went to Saligram Pattan Panchayath office. The Police Inspector gave voice recorder and asked him to switch on the voice recorder when he meets the DGO and to record the conversation that may take place between him and the DGO. He contacted the DGO and offered to give powder smeared notes to the DGO. DGO received the money and handed over the same to Praveen and inturn Praveen handed over the money to Raghavendra. Thereafter, he informed the Lokayukta police. Lokayukta police entered the chamber and enquired, the complainant showed the DGO. Lokayukta police washed his both hands; it turned into pink colour. Lokayuykta police asked the DGO about the tainted money, DGO told that he has not touched the money and money was with Praveena. Thereafter, police washed the hands of Praveena in the solution and it turned into pink colour. Praveena informed that money was in the custody of Raghavendra as tainted money were received

*10/12/2021*

from Raghavendra; checked the number of currency notes. Thereafter, washed the hands of Raghavendra and the solution turned into pink colour. Lokayukta police enquired the DGO. DGO gave written explanation as per Ex.P2. The version of statement given by the DGO is false and incorrect. Trap mahazar was drawn as per Ex.P4.

16. During the cross examination, PW2 has stated that “ಡಿಸೆಂಬರ್ 2006ಕ್ಕೆ ಮೊದಲೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಕ್ರಮ ಸಂಭಾವನೆ ಎಂದು ಹಣ ಕೇಳಿದ್ದರು ಎಂದರೆ ನನಗೀಗ ನೆನಪಿಲ್ಲ. ಅಕ್ರಮ ಸಂಭಾವನೆ ಕೇಳಿದರು ಎಂಬ ವಿಷಯ ನನಗೂ ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೂ ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಯಾರಿಗೂ ಗೊತ್ತಿರಲಿಲ್ಲ. ನಾನು ಈ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 2007ರ ಜನವರಿ ಎರಡನೆಯ ವಾರದಲ್ಲಿ ದೂರವಾಣಿ ಮೂಲಕ ಉಡುಪಿ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಸಂಪರ್ಕಿಸಿದ್ದೆ ಎಂದರೆ ನಿಜ. ಆ ಕಾಲಕ್ಕೆ ಉಡುಪಿಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಫೆಬ್ರವರಿ 2007ರ ಮೊದಲ ವಾರದಲ್ಲಿ ಬನ್ನಿ ಎಂದು ತಿಳಿಸಿದ್ದರು ಎಂದರೆ ನಿಜ. ನಾನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರಿಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮೊದಲಿಗೆ ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿ ಬೇಡಿಕೆ ಇಟ್ಟು, ನಂತರ 8 ಸಾವಿರ ರೂಪಾಯಿಗೆ ಮಿತಗೊಳಿಸಿದ ಬಗ್ಗೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರಿಗೆ ತಿಳಿಸಿರಲಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. PW2 further denied that “ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಹಣ ಕೊಡಲು ಮುಂದಾದಾಗ ಅವರು ಹಣದ ಅಗತ್ಯವಿಲ್ಲವೆಂದು ತಿರಸ್ಕರಿಸಿದರೆಂದರೆ ಸರಿಯಲ್ಲ. ಆದಾಗಿಯೂ ಸಹ ನಾನೇ ಹಣವನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಟೆಬಲ್ ಮೇಲೆ ಇಡಲಾಗಿ ಫ್ಯಾನ್ ಗಾಳಿಯ ಕಾರಣ ಚೆಲ್ಲಾಪಿಲ್ಲಿ ಆಯಿತು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಆಗ ಕೋಪಗೊಂಡ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬೆಲ್ ಮಾಡಿ ಪ್ರವೀಣನ್ನು ಕರೆದು ಚೆಲ್ಲಾಪಿಲ್ಲಿಯಾಗಿ ಬಿದ್ದ

 17/7/2011



ಹಣವನ್ನು ಎತ್ತಿ ನನಗೆ ಕೊಡುವಂತೆ ಆದೇಶಿಸಿದರೆಂದರೆ ಸರಿಯಲ್ಲ. ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೋಣೆಯಿಂದ ಹೊರಗೆ ಹೋದಾಗ ಪ್ರವೀಣನು ಸಹ ಕೋಣೆಯಿಂದ ಹೊರಗೆ ಬಂದನೆಂದರೆ ನಿಜ. ನಾನು ಆ ಕಾಲಕ್ಕೆ ಪ್ರವೀಣನೊಂದಿಗೆ ಮಾತನಾಡಲಿಲ್ಲ ಎಂದರೆ ನಿಜ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಯಾವುದೇ ಹಣವನ್ನು ಬೇಡದಿದ್ದಾಗಿಯೂ ಸಹ ನಾನೇ ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ಹಣ ಕೊಟ್ಟು ಅವರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಬೀಸಿದ ಬಲೆಗೆ ಬೀಳುವಂತೆ ಮಾಡಿದನು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಬಾಡಿಗೆ ಹಣವನ್ನು ಕಡಿಮೆ ಮಾಡುವ ಅಧಿಕಾರ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಯ ಮುಖ್ಯಾಧಿಕಾರಿಗಳಿಗೆ ಇರಲಿಲ್ಲ ಎಂದರೆ ನಿಜ. ಪ್ರವೀಣ ಮತ್ತು ರಾಘವೇಂದ್ರವರ ಕೈಗಳನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರೇ ತೊಳೆಸಿದರು ಎಂದರೆ ನಿಜ. ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ನೋಟುಗಳಿಗೆ ಪೌಡರ್ ಲೇಪಿಸಿದವರು ಸಹ ಅದೇ ಸಿಬ್ಬಂದಿ ಎಂದರೆ ನಿಜ. ರೇಡ್ ಮಾಡಿದ ಮರುದಿನ ಸಹ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ಕೆಲವು ದಾಖಲೆಗಳಿಗೆ ನನ್ನ ಸಹಿ ಪಡೆದರು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಬಾಡಿಗೆ ಸಂದರ್ಭ ಬರುವುದಿಲ್ಲ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೋಣೆಯೊಳಗೆ ಹೋಗಬೇಕಾದಲ್ಲಿ ಅಲ್ಲಿಯ ದಲಾಯತ್‌ನ ಒಪ್ಪಿಗೆ ಪಡೆದೇ ಹೋಗಬೇಕೆಂದರೆ ಸರಿಯಲ್ಲ. ಬೇರೆ ದಿನಗಳಲ್ಲಿ ಬಾಗಿಲಲ್ಲಿ ದಲಾಯತ್ ಇರುತ್ತಿದ್ದ ಎಂದರೆ ನಿಜ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೋಣೆಯ ಬಾಗಿಲಿಗೆ ಸ್ಪಿಂಗ್ ಅಳವಡಿಸಲಾಗಿದ್ದು ತನ್ನಷ್ಟಕ್ಕೆ ತಾನೇ ಮುಚ್ಚಿಕೊಳ್ಳುತ್ತದೆ ಎಂದರೆ ನಿಜ. ವೆಂಕಟರಮಣ ನಾಯರಿಯವರು ಅವರ ಮಗಳಿಗೆ ಬಾಡಿಗೆ ಹೆಚ್ಚಾದ ಕಾರಣ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗೆ ವಾಪಸ್ಸು ಬಿಟ್ಟುಕೊಟ್ಟರು ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಂತರ ಪುನಃ ಹರಾಜು ಮಾಡಲಾಗಿ ವೆಂಕಟರಮಣ ನಾಯರಿಯವರ ಹೆಂಡತಿ ಶಾಂತಾ ನಾಯರಿಯವರಿಗೆ ಹರಾಜಿನಲ್ಲಿ ದೊರೆಯಿತು ಎಂದರೆ ನಿಜ. ಮಗಳಿಗೆ ಬಾಡಿಗೆಯನ್ನು ಕಡಿಮೆ ಮಾಡಲು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಅಧಿಕಾರ ಇಲ್ಲದಿದ್ದಾಗಿಯೂ ಸಹ ಅವರ ವಿರುದ್ಧ ಸುಳ್ಳು ದೂರು ಸಲ್ಲಿಸಿ ಹೆದರಿಸುವ ಮೂಲಕ ಮಗಳಿಗೆ ಪಡೆಯುವ ಉದ್ದೇಶದಿಂದ ಸುಳ್ಳು ದೂರು

*Deep 17/11/2011*

ಸಲ್ಲಿಸಿದ್ದೇನೆಂದರೆ ಸರಿಯಲ್ಲ. He denied that he has not approached the DGO, and paid money to him.

17. PW1 Prabhakar deposed in his evidence that on 1/2/2007 he went to Lokayukta police station. The complainant and Sri.Ravindranath Rai was present. The complainant filed the complaint against the DGO demanding bribe to reduce the rent of the shop allotted to the complainant. The complainant produced 3 currency notes of Rs.500 denomination each and 5 currency notes of Rs.100 denomination each to treat it as bait money. The said notes were counted by him and police applied phenolphthalein powder to the said currency notes. He counted the notes and thereafter Ravindranath Rai kept those currency notes in the shirt pocket of the complainant. The Police Inspector obtained the hand wash, it turned into pink colour and prepared mahazar Ex.P1. Thereafter, Police Inspector took the complainant, himself, another panch witness and staff to Saligrama Pattan Panchayath office in the departmental vehicle and parked the vehicle away from

*lp* 12/2/2011

the office of DGO. Complainant and himself went to Pattan Panchayath office wherein DGO working and met DGO in his chamber. The complainant took out the tainted notes and gave those notes to the DGO. DGO received those notes and called his peon and told to pick the money found on the table and peon took the money and went. Lokayukta police entered the chamber of the DGO, enquired and obtained hand wash of DGO, peon Praveena and the contractor and the colourless solution turned into pink colour. Police seized the records and mahazar was drawn as per Ex.P4. DGO gave his explanation in writing as per Ex.P2.

18. PW3 Ravindranath Rai deposed in his evidence that on 1/2/2007 while he was at his office, Udupi Lokayukta police came to his office and requested his officer to depute him to assist them. His officer directed him to accompany Lokayukta police. He went to Lokayukta police station. The complainant Shekar Poojari and another panch witness Prabhakar were present in the Lokayukta police station.

The complainant told that DGO demanded bribe to get

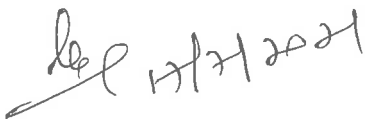
*17/7/2021*

pattan panchayath shop on rent. The I.O read the contents of the complaint given by the complainant. The complainant produced 3 currency notes of Rs.500/- denomination each and 5 currency notes of Rs.100/- denomination each which he alleged to have brought to give it to the DGO and the said notes were counted by Prabhakar. The Police Inspector applied phenolphthalein powder to the said notes and counted them. The police took his hand wash, it turned into pink colour and kept those notes in the shirt pocket of the complainant. Himself, another panch witness Prabhakar and the complainant left the police station at about 3.00 pm, so as to proceed to Saligram Pattan Panchayath office. Lokayukta police stopped their jeep at a distance away from Pattan Panchayath and got down. Complainant and Prabhakar went ahead to the Pattan Panchayath office wherein DGO was working then. Himself and the police were waiting nearby police jeep. At about 4.30 p.m. I.O received a call. On receiving the said call, the police and himself went into the office of the DGO. When they went

17/11/2011

there, the complainant told the I.O that he paid the tainted money to the DGO, and DGO handed over the same to his peon Praveena and inturn gave the said amount to contractor who was present in that room. The police took hand wash of DGO, it turned into pink colour. Then police took hand wash of peon and contractor both turned into pink colour. Police questioned the DGO. He gave statement bearing his signature also. Mahazar was drawn as per Ex.P4. The police took DGO to their custody and brought him to police station.

19. PW4 Sri.Prasanna V.Raju, Retd.Dy.S.P deposed in his evidence that on 1/2/2007 at 12.30 p.m he received complaint Ex.P5 and registered a case in Cr.No.1/2007 and forwarded FIR to the concerned Authorities. He secured panch witnesses Prabhakar and Ravindranath Rai, introduced them to the complainant and explained the contents of the complaint. The complainant presented Rs.2000 consisting of 3 currency notes of Rs.500/- denomination and 5 currency notes of Rs.100/-. Panchas

 12/21/2021

noted down the numbers. He applied phenolphthalein powder to the notes. Prabhakar searched the clothes of the complainant and found nothing and thereafter panch witness Ravindranath Rai kept money into the shirt pocket of the complainant. Hand wash of Ravindranath Rai was taken, it turned into pink colour and solution was collected. He gave voice recorder to the complainant, gave instructions to the panchas and drawn mahazar as per Ex.P1 and taken photographs. They left the Lokayukta office at 3.40 p.m and reached near the office of DGO at 4.30 p.m. Complainant and shadow witness went inside the office of the DGO. At about 5 p.m, he received call from the complainant stating that DGO has received the money. When he went inside, the complainant informed that DGO has received the money. He introduced himself to DGO. On enquiry DGO gave his details. Complainant informed that as per the directions of DGO, he gave money to temporary worker Sri.Praveen. In turn Praveen went out and gave it to the PWD contractor Raghavendra. The shadow witness has

dep  
12/11/2011

also informed the same. Thereafter, he took right hand wash of DGO, turned into pink colour. Hand wash of Praveen was also taken and it turned into pink colour. He took right hand wash of Raghavendra, it turned into pink colour. He seized the solution. On enquiry Raghavendra produced Rs.2,000/- and the said notes tallied with the amount which complainant presented in the Lokayukta police station. He seized the bribe amount. DGO has given his explanation as per Ex.P2. He seized the documents, attendance register, took the copies of same and took photos at each and every stage. He had drawn mahazar as per Ex.P4. He recorded the statement of Smt.Shardha, Sri.Raghavendra, Sri.Praveen, Sri.Venkataramana Nayari, Smt.Shantha Nayari and also recorded the statements of the complainant, witnesses, staff on the next day. He sent all seized articles to FSL.

20. PW5 Sri.Prabhudev Mane deposed in his evidence stating that from 5/4/2007 to December 2011 he worked as Police Inspector and Dy.S.P in Udupi Lokayukta office. On

*12/11/2011*

5/4/2007 he took up further investigation from PW4. On 7/4/2007 he sent requisition to PWD to draw the spot sketch. On 12/4/2007 he issued requisition through ADGP and SP, Karnataka Lokayukta, Mangalore to competent authority to furnish the records of the DGO. On 17/4/2007, he recorded further statement of complainant and Sri.Ramesh, Sri.Vinay Kumar. On 8/5/2007, he received sketch from PWD. On 31/5/2007, he received FSL report Ex.P8. He recorded the further statement of police constable Sri.Dayanand. On 27/6/2007 he received service particulars of DGO. On same day he recorded the statement of Sri.Madan G Nayak. He recorded the statements of Prabhakar and Ravindranath Rai and prepared final report and sent same to ADGP for approval. Thereafter, he handed over case file to Sri.Beliyappa, Police Inspector and he had completed the investigation and filed charge sheet against the DGO.

21. On perusal of cross examination of PW1, nothing has been elicited to disbelieve his evidence. It is clear from the

*[Handwritten signature]*  
17/7/2021



evidence of PW1 that he went to Lokayukta office, at that time the complainant and another panch witness was present and I.O introduced him and Ex.P1 entrustment mahazar was prepared in Lokayukta police station and he signed it. PW1 also stated that he accompanied the complainant to the office of the DGO and he was standing at the door and door was kept open and he saw that DGO pushed the amount on the table after tapping the bell. Due to push of said notes, some of the notes fell down and Lokayukta police came there and disclosed their identity and hand wash of DGO was taken and DGO also gave his statement as per Ex.P2. He also specifically stated that notes which were found on the table as well as on the ground got verified and those were the notes which were given in the police station by the complainant.

22. PW1 specifically stated that he accompanied the complainant to the office of the DGO. The complainant gave tainted notes to the DGO and PW1 also saw that DGO pushed the amount on the table and due to push of said

dep 17/7/2021

notes, some notes fell down and those notes were kept in a separate cover by the I.O.

23. The case of Disciplinary Authority is also supported by the evidence of PW3 who is also panch witness. His evidence also shows that he read over the contents of Ex.P1 entrustment mahazar and signed pre trap formalities held in the Lokayukta police station and he also denied the suggestion that when he entered the chambers of the DGO, hands of DGO were already turned into purple and the amount was in possession of the contractor.
24. Sri.Praveen – the Bill Collector has been examined as DW1. He has deposed that he was working as Bill Collector at Saligrama Panchayath since 2005-06. He was working as Chief Officer of Saligrama Pattan Panchayath during the relevant period. On 1/2/2007 at 4 p.m DGO made a long calling bell call from his chamber. On hearing the said calling bell call, he and Raghavendra went inside the chamber of the DGO. When he supposed to enter the chamber of the DGO, complainant was coming out of the

dep 17/11/2021

chamber of the DGO and saw that currency notes was scattered on the table of the DGO and also on the floor. DGO asked them to pick those notes and to return those notes to complainant. As per the instructions of DGO, himself and Raghavendra picked the notes scattered on the floor and Raghavendra Holla was arranging those notes and on arrival of Police Inspector, Raghavendra Holla gave the notes to Police Inspector. The Police Inspector obtained the photographs of picking of the notes by them. Thereafter, obtained hand wash. The voice recorder was played in their presence and in the said recorded conversation, DGO was found telling the complainant to take back money.

25. DW1 during the cross examination denied the suggestion that when he entered the chamber of DGO on hearing the calling bell sound DGO gave the money to him asking him to hand over to Raghavendra. He denied that he gave statement before the Police Inspector as per Ex.P9. Raghavendra Holla has been examined as DW2. He deposed in his evidence that he is a Contractor by Profession. He

*dep 17/7/2021*

had executed various works pertaining to Saligrama Pattan Panchayath. He knows the DGO. On 1/2/2007 at about 4.30 to 5 p.m he went to Saligrama Pattan Panchayath in order to obtain counter signature of the DGO to the bills. The DGO was in his chamber and called Bill Collector Praveen and along with Praveen, he also went inside the chamber of the DGO. The complainant went out of the chamber of the DGO. Certain currency notes were kept found on the table of the DGO and also found notes scattered on the floor in the chamber of the DGO. DGO on seeing him told that Shekar kept money on the table and he pushed that money. Due to circulation of air of the ceiling the notes were fell on the floor. The DGO asked him to collect notes from the floor and take the notes which were found on his table and to return that amount to the said Shekar. Praveen picked up those notes and gave it to him to return that amount to Shekar. At that time Lokayukta police came inside the chamber of the DGO. On seeing Lokayukta police, he handed over those notes to the Police

*Deep 17/7/2021*

Inspector and his hand wash was obtained and the solution turned into pink colour. The said witness is also cross examined by the Presenting Officer. DW2 denied the suggestion during the cross examination that he never went inside the chamber of the DGO and never saw the notes found scattered on the floor and found on the table of the DGO. He also admitted that he has not produced any documents to show that he was the Contractor by Profession and executed the works belonging to Saligrama Pattan Panchayath.

26. DGO has examined himself as DW3. He deposed in his evidence that the complainant has filed a false complaint. He has not demanded any bribe and not received Rs.2000 in the month of January 2007 as stated by the complainant. Lokayukta police have not drawn trap mahazar, hand wash was not obtained. No work of the complainant was pending with him and prays to exonerate him from the charges leveled against him.

*Deep 17/7/2021*

27. DW3 admitted in his cross examination that one shop was given on lease in favour of one Ventaramana Nairi at a monthly rent of Rs.1750/- and the shop was given on lease to the complainant at monthly rent of Rs.2475/-. The Council of Pattan Panchayath leased the shop surrendered by Venkataramana Nairi in favour of Shantha Nairi W/o Venkataramana Nairi on a rent of Rs.450/-. He denied the suggestion that the complainant requested him to reduce the rent of the shop for which he asked him to take back the court case filed by him. He denied that the complainant met him in his office on 1/2/2007 and told him that he had already paid Rs.1000/- during the previous month and he has brought Rs.2000/- and gave Rs.2000 to him and received that amount and kept that money on his table. He further denied that he called daily wage worker Praveen by pressing calling bell and he took money and asked him to hand over to the contractor Ravindranath Rai. He admits that thereafter Police Inspector having informed about the registration of the case and the complaint lodged by the

dep 1/11/2007

complainant obtained the hand wash of Ravindranath Rai, Praveen and himself and noticed change in the colour of the solution. He denied that he has taken up false contention in Ex.P2 and sworn to a false affidavit. He also stated that he preferred Cri.A.1074/2011 before Hon'ble High Court of Karnataka challenging the judgement of the Spl.Court, Udupi.

28. It is clear from the evidence of PW1 to 3, both have stated about obtaining hand wash which gave positive result. Since, colourless solution turned into pink colour when DGO, Praveena and Raghavendra dipped their hands. PW4 I.O has categorically stated that he collected said coloured solution in separate bottle and seized them and also mentioned in the trap mahazar Ex.P4. The FSL experts also opined that seized articles 46 were subjected for test and gave the positive result and notes seized were tallied with the notes mentioned in Ex.P1 mahazar. The DGO during the trap proceedings was asked to give his explanation in

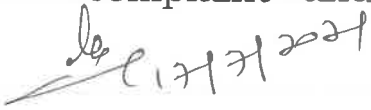
*See 17/7/2011*

writing regarding recovery of tainted money from his possession and gave explanation as per Ex.P2 as follows:

“ದಿ:1-2-2007 ರಂದು ಸಾಲಿಗ್ರಾಮ ಕಛೇರಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಸಂದರ್ಭ ಸುಮಾರು ಗಂಟೆ 4.30ಕ್ಕೆ ಕಾರ್ಕಾಡ ಗ್ರಾಮದ ಪ.ಪಂ.ಅಂಗಡಿ ಕೋಣೆ ನಡೆಸುತ್ತಿದ್ದ ಶ್ರೀ.ಕೆ.ಪಿ.ಶೇಖರ್ ರವರು ನನ್ನ ಟೇಬಲ್ ಬಳಿ ಬಂದು ನನ್ನ ಅಂಗಡಿಯನ್ನು ನನಗೆ ಮಾಡಿಕೊಡಿ ಎಂದೂ ಈ ಬಗ್ಗೆ ನಾವು ಕೇಳಿದನ್ನು ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿದರು. ಆ ನನಗೆ ಹಣದ ಅಗತ್ಯ ಇಲ್ಲವೆಂದು ನಾನು ಏನಿದ್ದರೂ ಕಾನೂನು ರೀತ್ಯಾ ಪ್ರಾಮಾಣಿಕವಾಗಿ ಮಾಡುವುದಾಗಿಯೂ ತಿಳಿಸಿದೆ.

ಆ ತಕ್ಷಣ ಕೆ.ಪಿ.ಶೇಖರವರು ಒಂದು ಬಿಳಿ ಕಾಗದದ ಕಟ್ಟು ನನ್ನ ಟೇಬಲ್ ಬಳಿ ಇಟ್ಟು ನನ್ನ ಕೈಮೇಲೆ ಚೆಲ್ಲಿದರು. ಆಗಲೇ ಕೂಡಲೇ ನಾನು ಕಾಲಿಂಗ್ ಬೆಲ್ ಮಾಡಿದೆ. ತಕ್ಷಣ ನಮ್ಮಲಿಯು ದಿನಗೂಲಿ ನೌಕರರಾದ ಶ್ರೀ.ಪ್ರವೀಣ್ ಹಾಗೂ ಗುತ್ತಿಗೆದಾರರಾದ ರಾಘವೇಂದ್ರ ಹೊಳ್ಳರವರು ಬಂದು ನನ್ನ ಟೇಬಲ್ ಬಳಿ ಇದ್ದ ನೋಟನ್ನು ಹೆಕ್ಕಿರು. ಶ್ರೀ.ಕೆ.ಪಿ.ಶೇಖರರವರು ನನ್ನ ಬಳಿ ಪೂರ್ವದ್ವೇಷದಿಂದ ಮಾಡಿದಂತಹ ಘೋರ ಅನ್ಯಾಯವಾಗಿದೆಯೆಂದು ಈ ವಿಚಾರದಲ್ಲಿ ನಾನು ತಪ್ಪನ್ನು ಎಸಗಿಲ್ಲವೆಂದು ಈ ಮೂಲಕ ಭಿನ್ನವಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ.”

29. Though the DGO has taken up a contention that the complainant put the money on his table and the said money was not bribe money and the money paid by the complainant was towards deposit of lease amount. While filing written statement, he has not taken any such contention. On perusal of written statement filed by DGO dated 17/12/2012, no such defence has been taken by the DGO. The complainant deposed all the facts narrated in the complaint and deposed about trap mahazar, pre trap





mahazar. PW1 shadow witness and PW3 panch witness have also supported the case of the Disciplinary Authority.

30. That the DGO was possessing the bribe amount was established by the Disciplinary Authority and it was for the DGO to explain how the bribe money has been received by him and if DGO fails to offer any satisfactory explanation, it would be presumed that he has accepted bribe.
31. In the decision of the Hon'ble Supreme Court in the case of State of Gujarat Vs. Naveen Bai Chandrakanth Joshi and others (2018) 9 SCC 242 wherein it is held as hereunder.

*"Since it is established that the accused was possessing the bribe money, it was for them to explain that how the bribe money has been received by them and if he fails to offer any satisfactory explanation, it will be presumed that he has accepted the bribe."*

32. It is not in dispute that, the complainant had approached Lokayukta police alleging demand of bribe by the D.G.O. Normally, a person will try to falsely implicate an officer only if there was previous enmity between the parties. But in the present case, the D.G.O. has not pleaded animosity between him and complainant to implicate the DGO in a

*by 17/12/2021*

serious misconduct of demanding and accepting bribe. The mahazar prepared at the time of incident and the evidence of PWs 1 to 5 clearly supports the case of the Disciplinary Authority. Nothing has been elicited in the cross examination to disbelieve their evidence. Trap is successful. Hence, I am of the opinion that the Disciplinary Authority has proved the charges against the DGO.

33. For the reasons stated above, I answer Point No.1 in the **AFFIRMATIVE.**

34. Point No.2:

For the above said reasons, I proceed to record the following findings;

### **FINDINGS**

35. Disciplinary Authority has proved the charges leveled against Sri.Bhojaraja Acharya, the then Chief Officer, Saligrama Pattana Panchayathi, Saligrama, Udupi Taluk, Udupi District.

*dhish/2021*

36. As per the first oral statement, the date of retirement of DGO is 30/04/2016.

Hence this report is submitted to Hon'ble Upalokayukta for further action.

Dated this 17<sup>th</sup> day of July 2021

*leg 17/7/2021*  
(H.G.Vijaya Kumari)  
Additional Registrar Enquiries-3  
Karnataka Lokayukta,  
Bangalore.

### **ANNEXURE**

#### **List of witness examined on behalf of Disciplinary Authority.**

- (1) PW1: Prabhakar
- (2) PW2: K.P.Shekar
- (3) PW3: Ravindranath Rai
- (4) PW4: Prasanna V Raju
- (5) PW5: Prabhudev Mane

#### **List of Documents marked on behalf of Disciplinary Authority:**

- Ex.P-1: Entrustment mahazar
- Ex.P-2: Statement of DGO
- Ex.P-3: Attendance Register
- Ex.P-4: Property seized Mahazar
- Ex.P-5: Complaint given by the complainant
- Ex.P-6: First Information Report
- Ex.P-7: Letter dated 28/03/2007 of S.P.
- Ex.P-8: FSL report
- Ex.P-9: Statement of Praveen
- Ex.P-10: Statement of Raghavendra

*leg 17/7/2021*

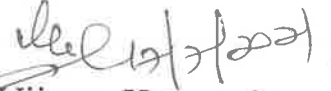
**List of witness examined on behalf of DGO.**

DW1: Praveen  
DW2: Raghavendra Holla  
DW3: Bhojaraja Achar (DGO)

**List of Documents marked on behalf of DGO**

Ex.D-1: Proceedings of auction  
Ex.D-2: Notice dated 10/08/2006  
Ex.D-3: Notice dated 24/08/2006  
Ex.D-4: Acknowledgement dated 28/08/2005  
Ex.D-5: First Information Report

Dated this 17<sup>th</sup> day of July 2021



(H.G. Vijaya Kumari)  
Additional Registrar Enquiries-3  
Karnataka Lokayukta  
Bangalore.