



KARNATAKA LOKAYUKTA

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

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 02.08.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri Rajendra,
Revenue Inspector, Kundana Hobli, Devanahalli
Taluk, Bengaluru Rural District - reg.

Ref:- 1) Government Order No. ಕಂಇ 34 ಬಿಡಿಪಿ 2010
dated 16.12.2010.

2) Nomination order No. LOK/INQ/14-A/3/2011
dated 01.01.2011 of Upalokayukta, State of
Karnataka.

3) Inquiry Report dated 31.07.2018 of Additional
Registrar of Enquiries-3, Karnataka Lokayukta,
Bengaluru.

~~~~~

The Government by its order dated 16.12.2010, initiated the disciplinary proceedings against Shri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural 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 Order No. LOK/INQ/14-A/3/2011 dated 01.01.2011 nominated Additional Registrar of Enquiries-3, 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.

3. The DGO - Shri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District was tried for the following charge:-

“That you DGO Shri Rajendra (hereinafter referred to as Delinquent Government Servant, in short DGO), while working as Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District on 28.12.2007, you demanded and accepted illegal gratification of Rs. 8000/- from complainant Shri A. Laxmana S/o late Anjanappa, Agriculturist, Kundana Village, Vijayapura Hobli, Devanahalli Taluk Bengaluru Rural District (hereinafter referred to as ‘complainant’) through a private person (mediator) by name C.M. Lokesh for doing an official act i.e., for effecting change of khata of property bearing Sy. No. 95/1 measuring 20 guntas in the name of his wife on the basis of a sale deed. Further, earlier in this connection only you had demanded Rs. 12000/- to Rs. 15000/- as bribe and had forcibly taken Rs. 3000/- as advance for getting the work done and thereby you have failed to maintain absolute integrity, devotion to duty and committed an act of misconduct which is unbecoming of a Government servant 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 the DGO - Shri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural 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 DGO furnished by the Inquiry Officer, the DGO - Shri Rajendra is due to retire from service on 31.05.2037.

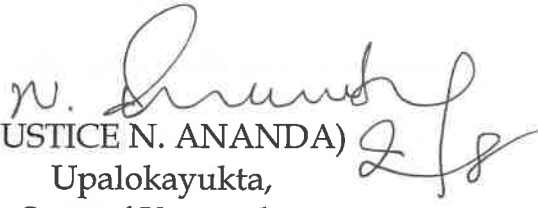
7. DGO - Shri Rajendra was convicted in Special Case No.679/2011. DGO has filed criminal appeal No.672/2013 before the High Court of Karnataka. As per the interim order passed by High Court of Karnataka, the DGO is still continuing in service.

8. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against the DGO - Shri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Shri Rajendra'. If conviction of

DGO in Criminal Appeal No. 672/2013 is confirmed, dismissal of DGO - Shri Rajendra from service shall be imposed.

9. 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/3/2011/ARE-3

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

Date: 31.7.2018

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

Sub: Departmental Enquiry against Sri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District reg.-

Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BD/498/2010/ARE-2 dated 4.11.2010

2. Government Order No. RD 34 BDP 2010 dated 16.12.2010

3. Nomination Order No.LOK/INQ/14-A/3/2011 dated 1.7.2011 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

\*\*\*

1. The complainant Sri A. Laxmana S/o late Anjanappa, Agriculturist, Kundana Village, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Bengaluru Rural District on 27.12.2007 against Sri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District (hereinafter referred to as 'DGO' for short) making allegations against him that, he is demanding him/complainant to pay Rs.10,000/- as bribe, in order to transfer the khatha of 0.20 guntas of land in sy.no. 95/1 of Kundana Village which was sold by his mother Smt. Sanjeevamma, in favour of her grand-daughter Smt. Ambujakshi, who is none other than his

wife/wife of the complainant, in terms of the sale deed executed by Smt. Sanjeevamma.

2. On registering a case on the basis of the said complaint, a trap was held on 28.12.2007 in the Nadakacheri office, Kundana, wherein, the DGO having demanded bribe from the complainant, received Rs. 8000/- by way of bribe, through his assistant/mediator Sri Lokesh. The bribe amount so received by DGO through his assistant Lokesh, was recovered from the right side pant pocket of the said assistant-Lokesh, during the trap proceedings. Since it was revealed during investigation that, the DGO has demanded bribe of Rs.10,000/- from the complainant and received Rs.8000/- through his assistant/mediator – Lokesh, in order to show an official favour i.e., to transfer the khatha of 0.20 guntas of land in sy.no. 95/1 of Kundana Village which was sold by his mother Smt. Sanjeevamma, in favour of her grand-daughter Smt. Ambujakshi, who is none other than his wife/wife of the complainant, in terms of the sale deed executed by Smt. Sanjeevamma, the Police Inspector having conducted investigation, filed charge sheet against both DGO and his assistant/mediator-Sri Lokesh.
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 the DGO providing him an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against him. The DGO has submitted his reply dated 25.10.2010 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 by way of concocted investigation. He has further taken up a contention that, he never directed any person by name Lokesh to receive money from the complainant and he has nothing to do with the recovery of any money from any private person. It is his further contention that, since the money is paid to a private person and no money was either paid to him or recovered from him, this is not a fit case to initiate any disciplinary proceedings against him. Since the explanation offered by the DGO was not satisfactory, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority, recommending to initiate disciplinary enquiry against DGO and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Government of Karnataka i.e., the Revenue Department by its order in No. RD 34 BDP 2010 dated 16.12.2010, initiated disciplinary proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against DGO, the Hon'ble Upalokayukta issued a nomination order dated 1.1.2011 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges were framed by the then ARE-3 against the DGO as under.

“Charge:

That you DGO Sri Rajendra (hereinafter referred to as Delinquent Government Servant, in short DGO), while working as Revenue Inspector, Kundana Hobli, Devanhalli Taluk, Bengaluru Rural District on 28.12.2007, you demanded and accepted illegal gratification of Rs. 8000/- from complainant Sri A. Laxmana S/o late Anjanappa, Agriculturist, Kundana Village, Vijayapura Hobli, Devanhalli Taluk Bengaluru Rural District (hereinafter referred to as 'complainant') through private person (mediator) by name C.M. Lokesh for doing an official act i.e., for

effecting change of khata of property bearing sy.no. 95/1 measuring 20 guntas in the name of his wife on the basis of a sale deed. Further, earlier in this connection only you had demanded Rs. 12000/- to Rs. 15000/- as bribe and had forcibly taken Rs. 3000/- as advance for getting the work done and thereby you have failed to maintain absolute integrity, devotion to duty and committed an act of misconduct which is unbecoming of a Government servant under Rule 3(1)(i) to(iii) of KCS(Conduct) Rules 1966.

#### **Statement of Imputation of Misconduct:**

The complainant Sri A. Laxmana S/o late Anjanappa, Agriculturist, Kundana Village, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural Division (hereinafter referred to as complainant) on 27.12.2007 filed a complaint by contending that, his mother had sold the land bearing sy.no. 95/1 measuring 20 guntas to his wife Smt. Ambujakshi, who is also the grand daughter of his mother, and in that regard, the complainant had filed an application for change of khata in the name of his wife. In that connection, when the complainant approached you, the DGO and requested for change of khata, you the DGO demanded Rs. 12000/- to Rs. 15000/- as bribe and after bargain taken Rs. 3000/- as advance and demanded the complainant to pay balance bribe for getting the work done. Not willing to pay the bribe the complainant has lodged complaint before the Inspector of Police, Karnataka Lokayukta, Bengaluru Rural Police Station on 27.12.2007. Hence, prayed to take action against the DGO.

On the basis of the above complaint received by the Police Inspector, Karnataka Lokayukta, Bengaluru Rural Police Station registered case in Cr.No. 31/2007 and submitted FIR to jurisdictional court. After registering of the case, investigating officer followed all the pre-trap formalities and on the same day i.e., on 28.12.2007, the IO along with complainant, panchas and other staff of Lokayukta office reached near the office of DGO



situated at Devanahalli Taluk, Bengaluru Rural District, DGO demanded and accepted bribe amount of Rs. 8000/- through private person (mediator) by name C.M. Lokesh at about 2.15pm from the complainant, the currency notes being smeared with phenolphthalein powder. Thereafter, the DGO was apprehended and the amount which he had received through private agent Lokesh from the complainant was recovered. Hand wash tests were conducted, Mahazar was drawn in the spot. All the formalities of collecting the hand wash and sealing the bottles are completed. DGO also gave their statement in writing, the currency notes and the hand wash are seized under panchanama.

The materials collected by the IO during the course of investigation prima facie disclose that, DGO demanded and accepted Rs. 8000/- through his private agent, as bribe from the complainant for doing an official favour, thus DGO have failed to maintain absolute integrity, and this act on the part of the DGO has unbecoming of a public servant, hence DGO has committed act of misconduct as stated under Rule 3(1)(i) to (iii) of KCS(Conduct) Rules 1966.

In this connection an observation note was sent to the DGO and the DGO has submitted his reply which was found after due consideration not acceptable. Therefore, recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta Act, 1984, to initiate departmental proceedings against the DGO. The Government after considering the recommendation made in the report, entrusted Hon'ble Upalokayukta to conduct departmental disciplinary proceedings against the DGO and to submit report. Hence, the charge."

4. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO has appeared in response to the notice issued to him and First Oral Statement of the DGO was recorded. DGO has denied the charges framed against him. He has engaged

the services of an advocate to appear on his behalf and to defend him, in the enquiry. Despite granting sufficient opportunity, DGO did not chose to file any written statement and thereby, he failed to utilise the opportunity, to take up any specific defence in this enquiry.

5. When the matter was taken up for enquiry, during enquiry, 4 witnesses have been examined as PW1 to PW4 and 14 documents came to marked as Ex-P1 to Ex-P14 on behalf of disciplinary authority. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGO was recorded. Since, DGO desired to lead defence evidence, permission was granted to him accordingly. DGO has examined one Sri C. Munishamaiah as DW-1 and examined himself as DW2 and one document came to be marked as Ex-D1, during his defence evidence.
6. Thereafter, the learned Presenting Officer has filed written arguments. The learned counsel for DGO has submitted his written arguments and also submitted orally highlighting the case of the disciplinary authority and the defence contention taken by the DGO. Thereafter, this matter is taken up for consideration.
7. The points that would arise for my consideration are:
  - Point No.1:** Whether the charge framed against the DGO is proved by the Disciplinary Authority?
  - Point No.2:** What order?
8. The above points are answered as under:
  - Point No.1:** In the 'Affirmative'
  - Point No.2:** As per Conclusion.

## REASONS

### Point No.1:-

9. DGO was working as Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District during the relevant period.
  
10. The complainant in his complaint has narrated the circumstances under which he has filed this complaint against the DGO. According to him, 0.20 guntas of land in sy.no. 95/1 of Kundana Village is the ancestral property standing in the name of his mother Smt. Sanjeevamma. It is his further contention that, his mother Sanjeevamma sold the said property in favour of his grand daughter Smt. Ambujakshi under a sale deed dated 10.5.2007. The said Ambujakshi is none other than his wife/wife of the complainant. It is his further contention that, since the khatha of the said land was to be transferred in the name of his wife, in terms of the sale deed dated 10.5.2007, he filed an application to Nadakacheri office, Kundana and produced the copy of the sale deed and other revenue documents, requesting for transfer of khatha of the said land in the name of his wife in terms of the said sale deed. He has further stated in his complaint that, in this regard he approached the DGO and requested him to transfer the khatha of the said land as requested in the said application. It is his allegation that, DGO while discussing the said matter with him told him that, expenses to the tune of Rs. 12,000 to Rs. 15,000/- has to be incurred by him and he has to pay that much amount, to consider the said prayer of transfer of khatha. It is his further allegation that, on that day though he paid Rs. 3000/- to the DGO, having not satisfied with the said

amount, DGO insisted him to pay another sum of Rs. 10,000/- and then only his work will be attended. When the complainant met the DGO about 3 days earlier to 27.12.2007, DGO told him that, his brothers have filed objection opposing the transfer of khatha in the name of his wife, but despite such objection, he would see that, the khatha will be transferred in the name of his wife and asked the complainant to pay him Rs. 10,000/- to do that work and if he fails to pay the money as demanded, his prayer for transfer of khatha cannot be considered. The complainant since not willing to pay any bribe amount to the DGO as demanded by him, he adjusted Rs 8,000/- by borrowing money as loan from others, and approached Lokayukta police on 27.12.2007 and filed a complaint against the DGO as per Ex-P1.

11. On the basis of the complaint so filed by the complainant on 27.12.2007 the Police Inspector, Karnataka Lokayukta, Bengaluru Rural District, has registered a case in Cr. No. 31/2007 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
12. An entrustment proceedings was conducted in the Lokayukta Police Station on 27.12.2007 in the presence of two panch witnesses viz., Sri S.M. Venkatesh, SDA and Sri Siddappa Daddi, FDA, from the O/o Joint Director, Backward Class Welfare Department and in the said proceedings, the bait money of Rs. 8000/- consisting of 2 currency notes of Rs. 1000/- and 12 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 the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri S.M. Venkatesh 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 the DGO and to record the conversation with him, while paying money to him.
13. Though the complainant and the shadow witness were taken to the Nadakacheri office, Kundana on the evening of the same day, since DGO was not available in the office, trap could not be conducted on that day and all of them returned to the Police Station, planning to conduct the trap proceedings on the next day.
14. On 28.12.2007, the complainant and the shadow witness were again taken to O/o Nadakacheri office, Kundana by entrusting the tainted notes to the complainant and giving instructions to him and shadow witness and on taking them to Nadakacheri office, sent them to meet the DGO. When the complainant and shadow witness went inside the Nadakacheri office at about 12.15pm, DGO was not available in the office and hence they waited for the DGO. DGO arrived at about 2.15pm and went inside the Nadakacheri office and complainant and shadow witness having followed him, went inside the Nadakacheri office and the complainant met the DGO. On seeing the complainant, DGO enquired him as to whether he has brought money. Then the complainant told the DGO that, he has brought Rs. 8000/-. Then the DGO asked the complainant to give that money. When the complainant offered the tainted notes of Rs. 8000/- to the DGO, he/DGO did not receive the said amount but, asked his assistant who was sitting by his side (side of the DGO) to receive that amount. As per the direction of DGO, the complainant gave the tainted notes to the hands of the said person-Lokesh and he/Lokesh having received that amount from the complainant, counted the same by using his both hands and kept that money in his right side

pant pocket. Thereafter, DGO asked the complainant to come after two or three days and to collect the relevant documents pertaining to transfer of khatha in the name of his wife. Thereafter, the complainant came out of the Nadakacheri office and gave the pre-arranged signal to the Police Inspector.

15. On receiving the signal, the Police Inspector and his staff and another panch witness approached the complainant, and the complainant took them inside the Nadakacheri office and showed the DGO claiming that, he is the concerned Revenue Inspector and showed Lokesh who was found sitting by the side of the DGO telling the Police Inspector that, the said person Lokesh has received money from him as per the direction of the DGO and thus DGO received money through his assistant-Lokesh.
16. The Police Inspector apprehended both DGO and Lokesh and introduced himself to them and explained to the DGO about the registration of a case against him and asked him and Lokesh to cooperate in the investigation. The DGO disclosed his name as Sri Rajendra, Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District and his assistant disclosed his name as C.M. Lokesh S/o Munikrishnappa R/o Chinnahalli Vilalge, Devanahalli Taluk.
17. Thereafter, the hand wash of Sri C.M. Lokesh was obtained asking him to wash his both hand fingers separately in two separate bowls containing sodium carbonate solution. When he washed his right hand fingers and left hand fingers separately in two separate bowls containing sodium carbonate solution, the solution in both the bowls turned into pink colour. Those pink coloured solution of right

hand wash and left hand wash of Sri Lokesh, were collected in two separate bottles and sealed the same.

18. Thereafter, the Police Inspector asked Lokesh about the money he has received from the complainant. Lokesh took out the money from his right side pant pocket and produced the same before Police Inspector. On verification of those notes with reference to its serial numbers, it was confirmed that, those were the notes entrusted to the complainant during the entrustment proceedings. Those notes were kept in a separate cover and sealed the same.
19. Even the pant worn by Lokesh was got removed and the right side pocket portion of the said pant when dipped in a separate bowl containing sodium carbonate solution, it gave positive result since the solution in the said bowl turned into pink colour. The said pant of the Lokesh along with the pant wash was seized along with the tainted notes recovered from him.
20. The Police Inspector asked the DGO and Lokesh to give their explanation in writing. DGO gave his explanation in writing as per Ex-P11 claiming that, the file pertaining to the complainant was not received by him and unnecessarily false case has been registered and he has been apprehended. Lokesh gave his explanation in writing as per Ex-P12 contending that, he had requested one Gangadhara for a loan of Rs. 10,000/- and the said Gangadhara told him that, he would send the money through his brother asking him/Lokesh to collect money from his brother. He has taken up a further contention that, on 28.12.2007 when he contacted Gangadhara on his mobile and enquired him about the loan, Gangadhara asked him to wait near Nadakacheri office and his brother would come there and give him money towards loan he has

requested and accordingly, while he was waiting near the Nadakacheri office, the brother of Gangadhara came there and gave him money telling him that, Gangadhara has sent money with him to give that money to him/Lokesh and hence he received that money. Both the complainant and shadow witness have denied the version of the written explanation given by both DGO and Lokesh, as false and incorrect.

21. The DGO was asked to produce the relevant documents pertaining to the complainant and DGO produced the relevant papers pertaining to the complainant regarding change of khatha in the name of Smt. Ambujakshi as per Ex-P6, on taking out the file from his table. A detailed mahazar was prepared incorporating all these details of trap proceedings as per Ex-P5.
22. During enquiry, the complainant has been examined as PW1. But he failed to support the case of the disciplinary authority and gave complete go-by to the complaint allegations and also the trap proceedings. Though he has admitted filing of the application for change of khatha in respect of sy.no. 95/1 of Kundana village, he claimed that, Deputy Tahsildar told him that, khatha will be done and hence his application was pending in the Nadakacheri office. He made allegation against Deputy Tahsildar claiming that, Deputy Tahsildar has demanded Rs. 10,000/- from him to attend his work and further claimed that, the complaint was written by Lokayukta police. Further he said nothing about conducting of entrustment proceedings in the Police Station and also the details of the trap proceedings, thereby turned hostile. Hence, he has been treated as an hostile witness and he has been cross examined by the learned Presenting Officer. During his cross examination, he has denied various suggestions put to him regarding conducting of entrustment



proceedings in the Police Station and also denied each and every suggestions put to him with regard to trap proceedings conducted in the Nadakacheri office. He has categorically denied the suggestion put to him that, DGO has demanded him for bribe and he has paid Rs. 8000/- to DGO through Lokeshappa, as per the direction of DGO.

23. Even the learned counsel for DGO cross examined the complainant wherein, by way of putting suggestions, positive answers were obtained from the complainant that, no mahazar was prepared in the Nadakacheri office, and simply his signatures were obtained.
24. PW2 is the shadow witness who accompanied the complainant during the trap proceedings. But, he has also not supported the case of the disciplinary authority in its entirety. He has not deposed in detail regarding the entrustment proceedings conducted in the Police Station and entrustment of tainted notes of Rs. 8000/- to the complainant in the said proceedings. Even with regard to the trap proceedings conducted in the Nadakacheri office Kundana, he has stated that, though the complainant went inside the Nadakacheri office, he did not follow the complainant and never went inside Nadakacheri office. It is his contention that, after the complainant gave signal, he went inside the Nadakacheri office but DGO was not present in his seat in the said office. He has admitted that, hand wash of some other person was obtained which gave positive result and recovery of Rs. 8000/- from the pant pocket of the said person. He has specifically stated that, DGO was not present in the office on that day. He has admitted preparation of trap mahazar as per Ex-P5 and also claimed that, the relevant file was available with the Deputy Tahsildar and that was taken over by the police.

25. Since he failed to give evidence as per the case of the disciplinary authority with regard to the material particulars of the entrustment proceedings and the trap proceedings, he has been treated as an hostile witness and learned Presenting Officer was permitted to cross examine him. During his cross examination, he has denied various suggestions put to him regarding the trap proceedings and reiterated his contention that, he never went inside the Nadakacheri office along with the complainant and never seen DGO directing his assistant-Lokesh to receive money from the complainant and accordingly, Lokesh received Rs. 8000/- from the complainant as per the direction of the DGO. Even suggestion with regard to recovery of tainted notes of Rs. 8000/- from the pant pocket of Lokesh, has been denied by this witness.
26. Even the learned counsel for DGO has cross examined this witness, wherein suggestions were put to him thereby trying to implicate the Deputy Tahsildar in the episode of demand and receiving of bribe from the complainant. During his cross examination by the learned counsel for DGO, PW2/shadow witness admitted that, the trap proceedings were conducted in the chamber of the Deputy Tahsildar. He further gave positive answer to the suggestion put to him that, after obtaining the hand wash of some other person, the DGO was summoned inside the said office after about one hour.
27. PW4 is the Police Inspector/Investigating officer and he, in his evidence deposed in detail regarding the registration of a case on the basis of the complaint filed by the complainant, conducting of entrustment proceedings in the Police Station and entrustment of tainted notes of Rs. 8000/- to the complainant. He further gave details regarding the trap proceedings he has conducted in the Nadakacheri office, Kundana stating that, the trap proposed to be

held in the evening of 27.12.2007 was not successful due to non-availability of the DGO in the Nadakacheri office and hence the trap was postponed for the next day. He further gave details regarding the trap conducted on 28.12.2007 giving the details of the trap proceedings. He has stated in his evidence that, on receiving the signal, when he approached the complainant, he/complainant took him inside the Nadakacheri office and showed the DGO and one attender who was there in the office at that time and complainant claimed that, he paid the money to the said attender as per the direction of the DGO. He further gave details regarding the obtaining of hand wash of the said assistant/Lokesh and recovery of tainted notes of Rs. 8000/- from the right side pant pocket of the said Lokesh and seizure of documents as per Ex-P6 since produced by the DGO which were available with the clerk in the said office. According to him, since he was transferred the further investigation of this case was conducted by his successor.

28. PW-3 is the Police Inspector who took up further investigation due to the transfer of PW4 and he in his evidence has stated that, he took up further investigation of the case and obtained the service particulars of DGO on 3.6.2009 and also obtained the sketch of scene of occurrence from PWD department and on completing the investigation and on obtaining required sanction, filed charge sheet against the DGO.

29. The learned counsel for DGO has cross examined PW4 at length. He/PW4 has admitted that, there is no mention in the trap mahazar about the presence of Deputy Tahsildar during the trap proceedings and further admitted that, the signature of Deputy Tahsildar was not obtained on the mahazar, but claimed that, the arrest memo of DGO was given to the Deputy Tahsildar as he was his senior officer

available in the Nadakacheri office and got the copies of the seized documents attested through him. The learned counsel for DGO has cross examined both PW3 and PW4 regarding the order passed by the Deputy Tahsildar dated 12.12.2007, ordering for transfer of khatha of the said land in the name of Ambujakshi. But PW3 claimed that, the order of Tahsildar was not sent to the computer section of the Tahsildar office and the entire file was available in the Nadakacheri office itself, which was seized as per Ex-P6 on the day of trap from the Nadakacheri office. The various suggestions put to both PW3 and PW4 have been categorically denied by them. Considering the cross examination of PW4/IO and PW3 who filed charge sheet, nothing was elicited during their cross examination, to disbelieve their evidence.

30. The complainant though turned hostile and gave a complete go-bye to the case of the disciplinary authority, he has admitted that, he had given a complaint to Lokayukta Police Station as per Ex-P1. But he claimed that, the complaint was written by Lokayukta police. It is his further contention that, Deputy Tahsildar has demanded bribe from him but he does not know his name and further claimed that, since Deputy Tahsildar demanded Rs. 10,000/-, he made arrangements for Rs. 8000/-.

31. Taking advantage of this contention of the complainant and since he failed to support the case of the disciplinary authority and turned hostile, the learned counsel for DGO vehemently argued that, neither PW1 nor PW2 have deposed anything about the alleged demand ~~for~~ bribe by the DGO and since the tainted notes were recovered from an unknown person by name Lokesh, there is absolutely no evidence to conclude that, it was DGO who demanded bribe from the complainant and hence the DGO has been falsely

implicated. No doubt both PW1 and PW2 have been treated as hostile witnesses. But, that by itself cannot be a ground to disbelieve the entire case of the disciplinary authority.

32. Apart from the conviction suffered by the DGO during the trial before the Special Court, the evidence adduced by the disciplinary authority in this enquiry can be independently considered. PW2/shadow witness besides deposing regarding the entrustment proceedings and entrustment of Rs. 8000/- to the complainant in the said proceedings, has further stated that, he went along with the complainant. But, PW2 has stated that, DGO was not present but, Deputy Tahsildar was present. Though he has admitted that, the complainant paid the amount to a person in the Nadakacheri office, he claimed that, he does not know the name of the said person to whom complainant paid the amount. He has further admitted the obtaining the hand wash of the said person which gave positive result and recovery of tainted notes from the pant pocket of the said person. Therefore, it can be concluded that, PW2 referring the said person from whom the tainted notes were recovered, is none other than Lokesh who, according to the disciplinary authority is the assistant of the DGO and the said Lokesh received money from the complainant. PW4/IO has categorically stated regarding recovery of tainted notes from the pant pocket of the said Lokesh.

33. It is the case of the disciplinary authority that, DGO was very much present in the Nadakacheri office and in his presence, Lokesh received tainted notes from the complainant as per the direction of the DGO. PW4, the IO has categorically stated that, he has apprehended both the DGO and his assistant, in the Nadakacheri office during the trap proceedings. A suggestion was put to PW4 that, when he went inside the Nadakacheri office after receiving pre-

arranged signal, DGO was not in the office but, after one hour while the trap proceedings was in progress, the Deputy Tahsildar secured the presence of DGO to the Nadakacheri office. This suggestion has been categorically denied by PW4. Even the DGO in his defence evidence has stated that, on 28.12.2007 at about 2.50pm when he went to Nadakacheri office, Lokayukta police summoned him to the chamber of Deputy Tahsildar and sought his explanation. By taking up such a contention, he tried to contend that, he reached Nadakacheri office only at 2.50pm. As per the case of the disciplinary authority it was about 2.15pm when the complainant gave pre-arranged signal to the Police Inspector as mentioned in the trap mahazar Ex-P5. DGO tried to contend that, he was not in the Nadakacheri office at 2.15pm but he came to the office at 2.50pm. But except his self serving testimony, no evidence has been produced to believe his contention. On the other hand, the IO has categorically stated about presence of DGO at the time he went inside the Nadakacheri office, after receiving the signal. Therefore, there is nothing to disbelieve the evidence of PW4, in order to believe the defence contention of the DGO that, he was not present when the complainant paid money to one person in the Nadakacheri office, who is none other than Lokesh.

34. DGO tried to establish, throwing the allegations against the Deputy Tahsildar that, it was the Deputy Tahsildar who demanded bribe from the complainant. The complainant was made to give such an evidence, throwing the allegation against the Deputy Tahsildar that, he has demanded bribe from him. Considering the nature of the evidence given by PW1 and also PW2 not supporting the case of the disciplinary authority since claimed that, when the complainant went inside the Nadakacheri office, he did not follow the complainant thereby, failed to support the case of the disciplinary

authority with regard to the material particulars of the trap proceedings, the possibility of both the complainant and PW2 being won over by DGO, cannot be ruled out.

35. Lokesh while giving his written explanation as per Ex-P12 had taken up a plea that, he had come to the Nadakacheri office to collect money from the brother of Gangadhara, from whom he had sought for loan. But no evidence has been produced in this enquiry to establish that, the complainant is the brother of Gangadhar, and Lokesh received money from the complainant thinking that, he is brother of Gangadhara. Even during trial where Lokesh faced the prosecution as accused no.2 along with the DGO, has failed to establish this contention he has taken in his written explanation, Ex-P12.
36. DGO during his defence evidence has taken up a contention that, he did not know any person by name Lokesh and he is nothing to do with recovery of tainted notes from the possession of the said Lokesh. But interestingly, both DGO and Lokesh who were accused no,1 and 2 before the trial court in Spl ~~Cobg~~ No. 679/2011, have engaged the same Advocate and defended themselves in the trial of the said case through a common Advocate engaged by them. They have also set up a common defense during the trial of the case before the Special Court that, Lokesh had received the amount from the complainant at the behest of the Deputy Tahsildar, which contention has been disbelieved even by the trial court. If the DGO had no acquaintance with Lokesh and if he did not know him/Lokesh personally earlier to the date of trap, there was no necessity for them to engage a common advocate and to set up common defense. This is also another factor which renders the defence taken by the DGO unbelievable,

37. Considering the case of the disciplinary authority, the presence of DGO at the time of trap and also recovery of tainted notes from the possession of Lokesh, in the presence of DGO, cannot be doubted. DGO did not take any steps to examine the said Lokesh in support of his defence in this enquiry to show that, there was no acquaintance between him and said Lokesh earlier to the date of trap and Lokesh received tainted notes from the complainant thinking that, complainant is the brother of one Gangadhara from whom he has sought for loan. There was no impediment for the DGO to examine the said Gangadhara to establish his defence contention that, he sent money through his brother/complainant, for handing over that money to Lokesh.

38. DGO has tried to throw the blame on the Deputy Tahsildar and tried to implicate him on the ground that, it was the Deputy Tahsildar who demanded bribe from the complainant. But, as per the records seized during the trap proceedings, Deputy Tahsildar had already passed the orders on 12.12.2007 itself, directing for transfer of khatha of the said land in the name of the wife of the complainant. But, the file was pending in the Nadakacheri office even on the date of trap on 28.12.2007. IO has categorically stated that, records pertaining to the complainant have been seized as per Ex-P6 on the day of trap claiming that, he directed the DGO to produce relevant papers pertaining to the complainant and DGO secured those papers which were available with the clerk of Nadakacheri. Therefore, it can be concluded that, DGO was aware of the orders passed by Deputy Tahsildar dated 12.12.2007 but, the file was retained in the Nadakacheri office and it was not sent to computer section of the Tahsildar office for doing the needful, in pursuance of the said order of Deputy Tahsildar. It is for the DGO to explain as to



why the file of the complainant was kept pending in the Nadakacheri office even though order was passed on 12.12.2007 itself. In the absence of any contrary evidence, it can be concluded that, DGO having knowledge about the order of the Tahsildar dated 12.12.2007, tried to extract bribe from the complainant and put forth the demand for bribe, before taking further action, in the said matter as per the order of the Deputy Tahsildar.

39. The DGO in his efforts to implicate the Deputy Tahsildar throwing blame on him that, he was the person who demanded bribe from the complainant, having won over the complainant, managed to make him to give evidence making allegations against the Deputy Tahsildar that, it was he who demanded bribe from him which is contrary to the complaint averments. Since the complainant completely turned hostile and gave a complete go-bye to the case of the disciplinary authority claiming that, the complaint was prepared at the behest of the Police Inspector, this contention of the complainant cannot be believed since, the Police Inspector categorically denied this contention of the complainant. There is nothing to disbelieve the evidence of IO in so far as receiving of the complaint by him from the complainant and on that basis registered a case and took up investigation.

40. Since the DGO has deliberately and intentionally avoided producing the copy of the judgment of the trial court, this authority since a fact finding body, in order to go through the judgment of conviction passed by the Learned Special Judge in Special Case No. 679/2011, directed the Learned Presenting officer to obtain the copy of the said judgment from the Lokayukta police (Rural Division) and accordingly learned Presenting officer having secured the copy of the said judgment produced the same and the said judgment is within

the knowledge of DGO. I have gone through the said judgment dated 13.6.2013 passed by the learned Special Judge convicting both DGO and his Assistant-Lokesh. During the trial of the prosecution case before the Spl. Court, it can be seen that, DGO being accused no.1 managed to won over both the complainant and shadow witness and persuaded them to give evidence in support of his defence. But, ~~Even before the trial Court-~~ ~~Even before~~ the complainant turned hostile taking up a similar contention contending that, when he approached the Deputy Tahsildar and Revenue Inspector for change of khatha, the Deputy Tahsildar demanded bribe of Rs. 10,000/- and hence he/complainant approached Lokayukta office and lodged complaint as per Ex-P1. On treating him as an hostile witness, the learned public Prosecutor before the Spl. Court, cross examined him and put suggestion to him that, it was the Revenue Inspector who demanded bribe of Rs. 10,000/- from him for change of khatha and the complainant has answered the said suggestion in the "affirmative" deposing that "it is true to suggest that, I have lodged the complaint against Revenue Inspector - Rajendra alleging that, he is demanding Rs. 10,000/- for change of khatha." Therefore, it can be concluded that, DGO has taken more precaution during this enquiry and the possibility of giving specific instructions to the complainant asking him to give evidence in a particular manner and not to give any adverse admissions affecting his defence, cannot be ruled out.

41. Since the complainant has admitted filing of complaint as per Ex-P1 and even the IO/PW4 has stated that, on the basis of the complaint filed by the complainant, he has registered a case in Cr.No. 31/2007, it can be believed that, the complainant has filed the complaint as per Ex-P1. Though he has stated in his evidence that, the complaint was written by Lokayukta police, that portion of the evidence cannot be believed for the simple reason that, the very

same complainant though turned hostile even before the trial court, during his cross examination, he has admitted in clear terms that, he has lodged complaint against Revenue Inspector- Rajendra alleging that, he is demanding Rs. 10,000/- for change of khatha. The learned Session Judge relying upon this admission of the complainant during his cross examination, considered the case of the prosecution in the context with the other materials produced during the trial and proceeded to convict both the DGO/accused no.1 and also Sri C.N. Lokesh/accused no.2 from whom the tainted money was recovered during the trap proceedings, in Spl Case No. 679/2011 vide judgment dated 13.6.2013.

42. Even the shadow witness during his evidence in this enquiry has claimed that, though he accompanied the complainant to the Nadakacheri office, he did not follow the complainant and pleaded his ignorance as to whom the complainant gave the amount, claiming that, he does not know the name of the person to whom the complainant gave the amount. PW2/shadow witness has deposed with stress that, DGO was not present in the seat. But, the learned Session Judge while appreciating the evidence of PW2 who was examined before the Spl. Court as PW2/S.M. Venkatesh, observed as follows:

“Though PW2 has feigned ignorance about the subsequent events that transpired between PW1 and accused no.1, yet from the testimony of PW2 it stands established that even at the time of trap PW1 approached accused no.1 and talked with him. As PW2 has refused to speak to the material aspect of the prosecution case, even this witness has been treated as hostile and interestingly, during the cross examination of PW2 by the learned Public Prosecutor, it is elicited from his mouth as under:

“It is true to suggest that, I have stated before the IO that I followed PW1 to the office of the accused. The accused questioned PW1 as to whether he has brought Rs. 8000/- which was demanded by me. Then only I came to know that it was the R.I. on that PW1 told A1 that he has brought the money; A1 demanded the amount, PW1 tendered tainted currency notes of Rs. 8000/- to him, but, A1 did not receive the amount, but, told PW1 to pay the same to his assistant Lokesh. Accordingly PW1 paid the amount to A2.””

43. Considering the evidence of PW2 given by him in this enquiry, and also that of evidence of PW1, it can be concluded that, possibility of, DGO giving them specific instructions asking them to give evidence in a particular manner, thereby, DGO has taken precaution during this enquiry to see that, PW1 and PW2 should not make such mistakes giving admissions capable of destroying his defence as they did during their cross examination in the trial before the Special Court, *Cannot be ruled out.*

44. Having considered the case of the disciplinary authority with reference to the evidence of PW3/IO and the circumstances under which the complainant filed complaint, it is not disputed that, the work of the complainant was pending in the Nadakacheri office and the fact of Deputy Tahsildar passed the order on 12.12.2007 directing for change of khatha as per the prayer of the complainant, was within the knowledge of the DGO. Even the said file was pending in the Nadakacheri office for taking further action in pursuance of the order of Deputy Tahsildar dated 12.12.2007. Since Deputy Tahsildar had already passed orders on 12.12.2007 itself, there was no question for he demanding any bribe from the complainant. But, on the other hand, it was the DGO who having knowledge about the orders of the Deputy Tahsildar, having planned to encash the said situation, in extracting bribe from the complainant, has demanded bribe from him and tactfully received

the bribe amount from the complainant through his assistant Lokesh, who has also faced trial along with DGO before the trial court and suffered conviction in the said case. Therefore, there is nothing to disbelieve the case of the disciplinary authority in so far as the allegation against the DGO is concerned and I have no hesitation to conclude that, it was he/<sup>DGO</sup>who demanded bribe from the complainant and received Rs. 8000/- from the complainant on the day of trap, through Lokesh.

45. It is to be noted here that, the learned Session Judge while considering the case against the DGO/accused no.1 and Lokesh/accused no.2 in Spl. Case No. 679/2011, vide judgment dated 13.6.2013 held that, charges against both accused no.1/DGO and accused no.2/Lokesh have been proved, <sup>holding that</sup> as the prosecution has convincingly established that, by making an illegal demand from the complainant and by receiving the bribe money through accused no.2/Lokesh, accused no.1/DGO has misconducted himself by abusing his position as a public servant, rendering himself liable for conviction. The learned Session Judge proceeded to convict both accused no.1/DGO and accused no.2/Lokesh imposing them the sentence of imprisonment and fine against them. Both DGO and Lokesh have challenged their conviction and sentence, by preferring appeal before the Hon'ble High Court of Karnataka by engaging the same advocate and the said appeal is still pending consideration before the Hon'ble High Court of Karnataka, Bengaluru in Criminal Appeal No. 672/2013.

46. It is also to be noted that, since DGO came to be convicted by the Spl. Court, Lokayukta police have addressed a letter to the Deputy Commissioner, Bengaluru Rural District, bringing to their notice about the conviction suffered by the DGO at the hands of the

Spl.Court, requesting the Deputy Commissioner to dismiss the DGO from service in view of his conviction by the Spl. Court. DGO has challenged the said letter of Lokayukta police, by producing the same before the Hon'ble High Court in Cr.A.No. 672/2013 and the Hon'ble High Court vide interim order dated 13.8.2013 stayed the further proceedings pursuant to the said letter of the Karnataka Lokayukta Police, written to the Deputy Commissioner. In pursuance of this order of the Hon'ble High Court, despite his conviction vide judgment dated 13.6.2013, he managed to continue in service and he is working at present as FDA in the office of the Special Land Acquisition Officer, KIADB, Bengaluru. During the time of trap DGO was working in the post of Revenue Inspector and now he is working as FDA and continued to work as such, despite his conviction by the Spl. Court under the provisions of Prevention of Corruption Act.

47. Having regard to the discussion made above, and since I have arrived at a conclusion that, the DGO by demanding bribe from the complainant to show an official favour to him, ~~and~~ received the bribe amount through Lokesha thereby, abused his position as Revenue Inspector and thus guilty of misconduct. Hence, I hold that, charge against the DGO stands established. Accordingly, I answer point no.1 in the Affirmative.

**Point No.2:**

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

**CONCLUSION**

i) The Disciplinary Authority has proved the charge as framed against the DGO Sri Rajendra, the then Revenue Inspector, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District and working at present as FDA, office of the Special Land Acquisition Officer, KIADB, Bengaluru

ii) As per the first oral statement, the date of birth of the DGO is 3.5.1977 and his date of retirement is 31.5.2037.

iii) DGO has been convicted and sentenced to undergo imprisonment for 6 months and to pay fine of Rs. 1000/- for the offence under Section 7 and to undergo imprisonment for two years and to pay a fine of Rs. 20,000/- for the offence under Section 13(1)(d) r/w. Section 13(2) of PC Act 1988 as per the judgment dated 13.6.2013 in Spl. Case No. 679/2011 on the file of Principal Session Judge and Special Judge, Bengaluru Rural District.

iv. The appeal filed by the DGO challenging his conviction and sentence, is pending before the Hon'ble High Court of Karnataka in Cr.A. No. 672/2013.

v. As per the interim order passed by the Hon'ble High Court dated 13.8.2013 in Cr.A. No. 672/2013, the DGO is continuing in service without any interruption.

  
(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 Lakshman (complainant) (original)                  |
| <b>PW-2</b> | Sri S.M. Venkatesh (shadow witness) (original)         |
| <b>PW-3</b> | Sri Vazeer Ali Khan (investigation officer) (original) |
| <b>PW-4</b> | Sri S. Mahadevaiah (investigation officer) (original)  |

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

|             |                               |
|-------------|-------------------------------|
| <b>DW-1</b> | Sri C.Munishamaiah (Original) |
| <b>DW-2</b> | Sri Rajendra (DGO)(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 the permission letter dated 26.12.2007                |
| <b>EX.P-3</b>  | Certified copy of the entrustment mahazar                               |
| <b>EX.P-4</b>  | Certified copy of the re-entrustment panchanama                         |
| <b>EX.P-5</b>  | Certified copy of the trap mahazar                                      |
| <b>EX.P-6</b>  | Certified copy of records seized by IO                                  |
| <b>EX.P-7</b>  | Certified copy of the chemical examiner report                          |
| <b>EX.P-8</b>  | Xerox copy of letter dated 3.7.2009                                     |
| <b>EX.P-9</b>  | Xerox copy of the sketch of scene of occurrence                         |
| <b>EX.P-10</b> | Certified copy of the sheet containing serial numbers of currency notes |
| <b>EX-P11</b>  | Certified copy of written explanation of DGO                            |
| <b>EX-P12</b>  | Certified copy of written explanation of Sri Lokesh                     |
| <b>EX-P13</b>  | Certified copy of photographs                                           |
| <b>EX-P14</b>  | Certified copy of order dated 12.12.2007                                |

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

|              |                                                  |
|--------------|--------------------------------------------------|
| <b>EX-D1</b> | Copy of the Circular instructions dated 5.2.2002 |
|--------------|--------------------------------------------------|



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



(S. Renuka Prasad)

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

