

**KARNATAKA LOKAYUKTA**

No. Lok/INQ/14-A/325/2013/ARE-1

Bengaluru,  
Dated: 29.11.2019.**:- REPORT OF ENQUIRY :-**

**Sub:-** Departmental Enquiry against Sri. S. Kumar, Deputy Commissioner of Excise, Mandya District- regarding.

**Ref:-** Proceedings Order No. LOK/INQ/14-A/325/2013, Dated: 03/08/2013 of Hon'ble Lokayukta, State of Karnataka, Bangalore.

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This enquiry is conducted in pursuance to the Government Order No. FD 80 EPS 2013 Bangalore dated 30/07/2013 of the Disciplinary Authority, i.e., Principal Secretary to the Government, Finance Department (Excise), Government of Karnataka, Bangalore against Sri. S. Kumar, Deputy Commissioner of Excise, Mandya District (hereinafter referred as **DGO**-in short). Originally Hon'ble Lokayukta entrusted the departmental enquiry to the Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bangalore, by nominating him as Enquiry Officer. Additional Registrar of Enquiries-3, prepared article of charges, statement of imputation, list of witnesses and sent to DGO and summoned the DGO to appear. Accordingly, DGO appeared in person and his First Oral Statement was recorded. DGO pleaded not guilty and claimed to be tried. The DGO filed his written statement denying the charge and statement of insinuation

made against him. Afterwards, DGO filed written statement. In the meanwhile, the enquiry was transferred to Additional Registrar Enquiries-1, by order of Hon'ble Karnataka Lokayukta.

**2.** In order to establish the charges leveled against the DGO, Disciplinary Authority has examined three witnesses and has got marked twelve documents. DGO has examined two witnesses in defense and has got marked one document. PW-1 examined in the case is the Complainant, who had complained to Lokayukta Police, Mandya about the DGO demanding bribe for transferring C.L-9 license from the name of his deceased brother to the name of his Mother. PW-2 is the shadow witness, who had accompanied the Complainant to the office of the DGO at the time of trap in order to observe the happenings when the Complainant meet the DGO in his office. PW-3 is the investigation officer of the case.

**3.** The presenting officer, as well as the counsel appearing for the DGO, have filed written brief. The presenting officer in his written arguments has stated that the evidence produced by the disciplinary authority clearly shows that the DGO, while working as Deputy Commissioner of Excise, Mandya District, had demanded the Complainant to pay bribe when the Complainant approached him for transferring CL9 license which was standing in the name of his deceased Brother to the name of his Mother and again when Lokayukta Police arranged trap and sent the Complainant along with the shadow witness to meet the DGO, again the DGO demanded and accepted the bait amount. The Presenting officer has further stated that though the Complainant and shadow witness have turned hostile, they have spoken in support of

the allegations made against the DGO and therefore the charge framed against the DGO is clearly proved.

4. The learned counsel who has appeared for the DGO in her written arguments has stated that the important witnesses examined by the disciplinary authority have not supported the case and the Complainant as well as shadow witness have been treated as hostile witness. Learned counsel has stated that PW-1 in his oral evidence has not whispered even a single word about DGO demanding money from him and the witness has further stated that he kept the bait amount on the table of the DGO and came out of the chamber and therefore it cannot be said that the DGO had demanded and accepted the bait amount. Learned counsel has further stated that PW-2, who had accompanied the Complainant as a shadow witness, has clearly stated that he did not go inside the chambers of DGO and on the other hand he was standing near the entrance door of the room and the door was closed after the Complainant entered the room and therefore his evidence that he had seen the DGO asking money from the Complainant or receiving money from the Complainant cannot be believed. Learned counsel has further stated that even if the evidence given by the witnesses examined by the disciplinary authority is believed it do not show that the DGO made demand for bribe from the Complainant and also there is no evidence to show that he had accepted the bait amount and therefore the charge framed against the DGO is not proved.

**5. The charge framed against the DGO is as follows:**

*That you, the DGO, Sri. S.K. Kumar, Deputy  
Commissioner of Excise, Mandya District*

*demanded and accepted a bribe of Rs. 10,000/- on 17.06.2008 from Complainant Sri. S. Nagaraju, K.M Doddi, Bharathinagara, Maddur Taluk, Mandya at your office of Deputy Commissioner of Excise, Ramanagara for recommending to transfer the permit (CL-9) in respect of Bar and Restaurant titled as 'Sankranti' in the name of his mother Smt Kempamma, that is for doing an official act, and thereby you the DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.*

**6. The point that arises for my consideration in this case is:**

**Whether the Disciplinary Authority has proved the charge framed against the DGO?**

My finding on the above point is in the **AFFIRMATIVE** for the following:

**:- REASONS :-**

**7.** Before examining the evidence produced by the disciplinary authority, it is necessary to narrate the case of the disciplinary authority. The DGO in this case was working as Deputy Commissioner of Excise, Mandya District during the year 2008. One Bettaiah, who is the Brother of Complainant Sri. S. Nagaraju was running a Bar and restaurant with name Sankranthi bar by obtaining CL9 license at K.M Doddi, Bharathi Nagar, Maddur taluk, Mandya District. Said S. Bettaiah died on 27.07.2007 and his wife had expired on 04.01.2005. After the death of Bettaiah Complainant had filed application for transferring CL9 license to the name of his Mother Smt. Kempamma and in that regard he had approached the DGO and requested him to pass orders and at

that time the DGO demanded bribe of Rs. 50000/- and insisted him to pay at least Rs. 10000/-. The Complainant was not willing to pay bribe to the DGO and therefore he approached Lokayukta Police, Mandya on 17.06.2008 and lodged a complaint. On the basis of the said complaint a criminal case was registered against the DGO in Cr. No. 5/2008 of Lokayukta Police station, Mandya and investigation was taken up. The Investigation officer conducted pre-trap proceedings in Lokayukta Police station and currency notes worth Rs. 10000/-, smeared with phenolphthalein powder, was entrusted to the Complainant in the presence of the panch witnesses with a direction to the Complainant to hand over the said amount to the DGO if the DGO again demand for bribe. On the same day the Complainant, along with a shadow witness by name Manjaiah, was sent to meet the DGO in his office and at that time also the DGO demanded bribe from the Complainant to attend to his work and accepted the bait amount given by the Complainant and DGO was caught red handed. The investigating officer conducted further investigation in the case and filed charge sheet in the court against the DGO and also sent report to Hon'ble Lokayukta. On the basis of the said report investigation was conducted and a report under section 12(3) of Karnataka Lokayukta Act was sent to the competent authority to initiate disciplinary proceedings against the DGO and accordingly disciplinary authority initiated the present disciplinary proceedings and entrusted the matter to Hon'ble Lokayukta to conduct enquiry.

8. As pointed out earlier, PW-1 is the Complainant in the case and PW-2 is the shadow witness and PW-3 is the Investigating

officer of this case. PW-1 Sri. S. Nagaraj has stated in his evidence given in this case that his Brother Sri. S. Bettaiah, who was holding C.L-9 Excise license and was running a Bar with name Sankranthi Bar at K.M Doddi (Bharathinagar) he expired on 27.07.2007 and his wife had died before the death of S. Bettaiah and children of S. Bettaiah were minors when Bettaiah died. PW-1 has further stated that an application was given in the office of Deputy Commissioner, Mandya to transfer the CL-9 license to the name of Smt. Kempamma, who is the Mother of S. Bettaiah and the DGO harassed them. Complainant has stated that when he enquired with the clerk in the office of DGO, the said clerk told him that he has to pay some amount by way of bribe to the DGO and then only his work will be attended. PW-1 has stated that DGO told him to meet the clerk and deal with him. He has further stated that the clerk had told him to bring Rs. 50000/- and afterwards he went to Lokayukta office, Mandya and gave a complaint as per Ex-P-1 and the police officer secured Manjaiah and Gundurao as witnesses and received Rs. 10,000/- from him and the serial numbers of the currency notes were noted down as per ex.p-2 and then powder was smeared on the currency notes and the currency notes were given to him with instruction to pay that amount to the DGO if he again demand for bribe and to give signal. PW-1 has stated that a mahazar as per Ex.P3 was prepared in the Lokayukta office and he signed the mahazar. The witness has further stated that on the same day they went near the office of the Excise department, Mandya and he along with Manjaiah went inside the office of the DGO, and DGO was going through a file and he kept the cover on the table of DGO and told the DGO to receive the amount and DGO was knowing why he kept the

amount on the table and afterwards he came out and gave signal. PW-1 has stated that Manjiah witnessed the incident. PW-1 has stated that he identified the DGO in presence of police and also told the police that he kept the amount on the table of the DGO and police washed the hands of DGO and there was change of Color. PW-1 has stated that the amount was found in the table drawer of the DGO and the same was removed and checked and found to be the same. PW-1 has further stated that police seized documents as per Ex.P-4 and he signed a mahazar in the Lokayukta office as per Ex.P-5. Witness has stated that DGO gave written explanation as per Ex.P-6. The witness was treated as hostile witness and cross examined by the Presenting officer and during cross examination the witness has stated the DGO took the cover which was kept on the table and put it in the drawer but he did not count the amount in his presence. The witness has denied the suggestion that he had given statement as per Ex.P-7. During cross examination by the counsel of the DGO the witness has given evidence contrary to the evidence given by him in the examination in chief. The witness has admitted the suggestion that he had not met the DGO in his office before the date of trap and the signature was taken to the complaint prepared by his friend without knowing the contents. The witness has further stated that at the time of trap he alone went to the office of DGO and nobody accompanied him. The witness has stated that after the DGO touched the cover, which was on the table, his hands were washed. The witness has further stated that he had told the police officer that DGO had never demanded money from him and also he did not pay money to the DGO. The witness has also stated that he kept the cover in which money was kept,

on the table without the knowledge of DGO. The witness was again cross examined by the presenting officer but even during the cross examination the witness denied the suggestion that the DGO demanded and accepted Rs. 10000/- as bribe from him at the time of trap.

9. PW-2 Sri. Manjaiah has stated in his evidence that he was working as SDA in Horticulture department and on 17.06.2008 on the direction of his official superior he along with one Gundurao and Srinivasmurthy went to the Lokayukta office and met the Police officers and PW-1 was present in the office and he was told that the DGO had demanded bribe from Nagaraj. PW-2 has stated that PW-1 produced currency notes of the total value of Rs. 10000/- and the serial numbers of the currency notes were noted down as per Ex.P2 and thereafter phenolphthalein powder was applied on the currency notes and then the amount was entrusted to the Complainant Nagaraj and a Mahazar was prepared in the Lokayukta office as per Ex.P3 and he signed the mahazar. PW-2 has further stated that on the same day they went to the office of Taluk Panchayath and afterwards he along with PW-1 went to the office of DGO and DGO was present in the office. PW-2 has further stated that PW-1 Nagaraj went inside the chamber of DGO and questioned the DGO about the transfer of license to his Mother and DGO asked Nagaraj whether he has brought the money as told to him and then PW-1 handed over Rs. 10000/- to the DGO kept in a cover and DGO opened the cover and counted the currency notes and then kept it in a rack. The witness has further stated that when PW-1 gave pre arranged signal and police came inside the office and PW-1 told the police that DGO received the



amount and then the hands of DGO were washed in sodium carbonate solution and the color of the solution turned into pink color. The witness has stated that when police officer questioned the DGO about the amount, the DGO removed the amount from the wooden rack and produced before the police officer and the serial numbers of the currency notes were checked and they were found correct and then the amount was seized. The witness has further stated that a Mahazar as per Ex.P-5 was prepared at that time and he signed the mahazar. During cross examination the witness has stated that when he along with PW-1 went inside the office of DGO, PW-1 alone went inside the chamber and he was standing near the door and after PW-1 went inside the chamber, the door was closed and therefore he could not observe what happened inside the room. The witness has further stated that after PW-1 told that the amount is kept in the table drawer, Lokayukta police verified the table drawer and then the money was removed through the DGO and then the hands of the DGO were washed. The witness was cross examined by presenting officer but during cross examination the witness denied the suggestion that he had seen the DGO demanding and receiving amount from the Complainant.

10. PW-3 Sri. Basavaraj has given evidence stating that he was working as Dy.S.P in Karnataka Lokayukta, Mandya during the year 2008 and on 17.06.2008 PW-1 came to the station and filed a complaint as per Ex.P1 and on the basis of the said complaint he registered a case in crime ni. 5/2008 and sent F.I.R to the court. The witness has further stated that on the same day he secured PW-2 and another Gundurao Srinivasamurthy from the office of Asst. Director of

Horticulture, Mandya and in their presence he conducted entrustment proceedings in the station and Rs. 10000/- consisting of 20 currency notes of the denomination of Rs. 500/- was received from the Complainant and serial numbers of the currency notes were noted down and then phenolphthalein powder was applied on the notes and the amount was entrusted to the Complainant with instruction to again approach the DGO and enquire about his work and if DGO demand bribe to hand over the said amount and give signal. PW-3 has stated that he prepared the mahazar as per Ex.P3 in Lokayukta station and photographs as per ex.p8 were also taken at that time. The witness has stated that on the same day he along with Complainant and Panch witnesses went near the office of the DGO and PW-1 and 2 were sent inside the office and after some time PW-1 gave pre arranged signal and then he along with his staff and other panch witness went inside the office. The witness has stated that PW-1 shown the DGO and told that the DGO received money from him and afterwards the hands of DGO were washed in sodium carbonate solution and the color of the solution turned to pink. The witness has stated that when he questioned the DGO about the money received from the Complainant the DGO took out the amount from the rack which was on his right side and produced before him and the serial numbers of the currency notes were checked with the numbers noted down earlier and the numbers tallied with each other. The witness has stated that the DGO gave written explanation as per Ex.P6 and he seized documents as per Ex.P-4 and prepared mahazar as per Ex.P-5. The witness has stated that he conducted further investigation and filed charge sheet. During the cross examination it is suggested to

the witness that as on the date of trap the work of PW-1 was not pending with the DGO and a false criminal case was registered against him and the witness has denied the suggestion. It is further suggested to the witness that a false case was filed against the DGO even though he had not demanded bribe from the Complainant.

11. DW-1 examined in the case is the DGO and he has given evidence stating that after the death of Bettaiah, his children were minor and therefore CL-9 license, which was in the name of Bettaiah, could not be transferred and PW-1 in the case had approached him to transfer the CL-9 license in his name and brought political pressure on him. DGO has further stated that the application given by the Mother of the Complainant was incomplete and therefore he sent back the application to Excise Inspector, Maddur for rectifying the application. DGO has stated that the mother of the Complainant had given the application requesting time to pay tax due and since the commercial tax dues in respect of the Bar was not paid the business in the bar was prohibited with effect from 09.05.2008 and after the tax was paid the ban was lifted on 12.06.2008. DGO has stated that he had not demanded money from the Complainant at any point of time and since he had refused to transfer the CL9 license to the name of the Complainant, a false complaint was given to Lokayukta Police. DGO has stated that at the time of trap Complainant came inside the room and thrown an envelope on his table and ran away and after Lokayukta police came inside the office and insisted him to open the envelope and to count the amount and when he refused to count the amount they forcibly touched his fingers to the envelope. DGO has

stated that the work of the Complainant was not pending with him on the date of trap and the Complainant had given false complaint to the Police. During cross examination it is suggested to the DGO that he had demanded and accepted the bribe from the Complainant for transferring the CL9 license to the name of the Mother of the Complainant and the DGO denied the suggestion.

**12.** DW-2 Sri. M.S Santhosh kumar has stated that he was working as SDA in the office of DGO during the year 2006 to 2008 and PW-1 had given application to transfer CL9 license which was in the name of his Brother to the name of his Mother and since tax was not paid in respect of the Bar, notice was issued and the Complainant had taken time to pay the tax. DW-2 has stated that he had prepared a note in respect of transfer of CL-9 license and the file was with him and at that time Complainant had come and met him and asked him to send the proposal without insisting for affidavit. During cross examination it is suggested to the witness that even though he has no information about the case, he has given the false evidence to help the DGO.

**13.** PW-1, who is the complainant, has supported the case of the disciplinary authority on material aspects of the case. The evidence given by PW-1 in the examination in chief shows that he was visiting the DGO in his office seeking transfer of CL-9 license, which was standing in the name of his Brother S. Nagaraju, to the name of his Mother Smt. Kempamma. PW-1 has specifically stated that he had met the DGO in connection with the transfer of CL-9 license in his office and at that time DGO asked him to meet clerk in the office and when he met the clerk the said person had asked him to pay

bribe to the DGO. PW-1 has also stated that police officer had taken him to the office of the DGO he was sent inside the office with bait amount. PW-1 has also stated about the presence of DGO in the office when he went inside the office and also about he offering the bait amount kept in an envelope to the DGO. The witness has not disputed his signature on the complaint at Ex.P-1 and also on the mahazars at Ex.P-3 and P-5. Though PW-1 has given contradictory versions in his oral evidence, some of the portions of his evidence, which are in favour of the case of disciplinary authority and corroborated by the evidence of other witnesses can be believed. After careful scrutiny of the oral evidence of PW-1 and the documents marked in the case it is crystal clear that PW-1 has deliberately changed his version during cross examination to help the DGO for the reasons best known to him. The shadow witness, who was sent with the Complainant at the time of trap and witness to the Mahazars prepared in the Lokayukta Station and in the office of DGO, is examined as PW 2 and he has clearly stated that PW-1 had given complaint in Lokayukta Station and he was present in the station when he went there and also he participated in the proceedings. That apart the evidence given by PW-2 and PW-3 clearly shows that phenolphthalein test conducted on the DGO at the time of trap proceedings was found positive and also the bait amount entrusted to the complainant in Lokayukta office was later found in the table drawer (rack) where DGO was sitting. Therefore, I am of the view that PW-1 is either won-over by the DGO or due to sympathy, has given evidence during cross examination to support the DGO.

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14. As pointed out supra, PW 2 has stated that when the hands of DGO were washed in sodium carbonate solution, the colour of the solution had turned to pink. There is clear evidence on record to show that the bait amount, which was smeared with phenolphthalein powder and entrusted to PW-1 in Lokayukta Police Station, was later found in the table drawer (rack) of the DGO. The fact that the colour of the sodium carbonate solution, in which the hands of DGO were washed, had turned to pink colour, clearly shows that the DGO had received the bait amount in his hands at the time of trap. If really DGO had no intention to receive the amount from the complainant at the time of trap, then he would not have allowed the complainant to keep the amount inside his table drawer. Further the evidence shows that the DGO had touched the bait amount before the Police officer entered the chambers on receiving the pre-arranged signal from PW-1. PW-3, who is the police officer in the case, has spoken about PW-1 approaching him in Lokayukta station, Mandya and filing of complaint about DGO demanding bribe in order to transfer CL-9 license to the name of Smt. Kempamma. After careful scrutiny of the evidence of PW-3, I am of the view that his evidence is believable one. Merely because PW-3 is a police officer, there is no reason to suspect his evidence. In fact PW-1 has stated about he going to the Lokayukta station, Bangalore on the date of trap and also he has admitted that he went inside the Chambers of DGO, along with bait amount, and met the DGO. This fact is also supported by PW-2 in his oral evidence. No doubt, the evidence of PWs 1 and 2, on some aspects of the case, is contrary to the case of disciplinary authority but considering the overall evidence available on record and also the admitted facts about PW-1

meeting the DGO in his office and offering money to him and later the amount was seized in the Chambers of DGO, I am of the view that there is clear and corroborative evidence on record to show that the DGO had received the bait amount, which was entrusted to PW-1 in the Police station. No reliable evidence is produced by DGO to rebut the positive evidence produced by the disciplinary authority to show that the DGO had accepted the bait amount from the Complainant at the time of trap. The explanation offered by the DGO that the Lokayukta forcibly made him to touch the bait amount before his hands were washed in Sodium carbonate solution is hard to believe. It is to be noted that PW-1 has admitted his signature in the complaint at Ex.P-1 given by him to Lokayukta Police. PW-3 has spoken about PW-1 coming to Lokayukta Office, Mandya and lodging complaint at Ex.P-1. On going through the complaint at Ex.P-1 it reveals that the DGO was dodging the complainant for money for transferring CL-9 license. Though there are some contradictory versions found in the evidence of PWs 1 and 2, I am of the view that the said contradictory versions will not discredit the charge framed against the DGO. After carefully considering the overall evidence on record, particularly the corroborative oral evidence of PWs 1 to 3 and the documents marked as Ex.P-1 to P-3, P-5 and P-6, I am of the view that there is clear evidence on record to show that the DGO had demanded and accepted bribe from the complainant in order to show official favour.

**15.** Learned counsel appearing for the DGO submitted in her arguments that the evidence on record, particularly the evidence of PWs 1 and 2, who are material witnesses, consists

of contradictory versions and therefore it leads to reasonable doubts about the case of the disciplinary authority. Learned counsel further submitted that the DGO is already acquitted in the Criminal case filed against him and therefore the departmental enquiry initiated against him will not survive. The law is well settled that the proof required in a criminal case and in the departmental enquiry is entirely different. In the criminal case, prosecution is required to prove the offences alleged against the accused beyond reasonable doubts and if the evidence produced by the prosecution on record give room for reasonable doubts, then the accused is entitled for the benefit of doubts. In departmental enquiry the charge has to be proved on the basis of preponderance of probabilities. If the evidence produced by the disciplinary authority probabalize the allegations made against the DGO then it is the duty of the DGO to rebut the said evidence. In this case I am of the view that the evidence on record clearly proves that the complainant i.e., PW-1 had approached Lokayukta Police, Mandya with allegation that the DGO was harassing him for bribe without taking any decision with regard to the transfer of CL-9 license, which was standing in the name of his deceased Brother to his Mother. It is to be noted that though the DGO has produced defence evidence in the case, he has failed to explain why the Complainant, who was not having any ill will or enmity towards him, targeted him by filing complaint before Lokayukta police making serious allegation of corruption charges. In my opinion there is positive evidence available in the case in support of the charges framed against the DGO.



**16.** Learned counsel appearing for the DGO submitted in her arguments that the DGO is already acquitted in the criminal case filed against him in Special C.C No. 8/2010 by the District & Sessions Judge Court, Mandya and therefore the DGO cannot be held guilty on the same set of evidence in the departmental enquiry case.

Hon'ble Supreme Court in the decision reported in (2005) 7 SCC 764 (Ajithkumar Nag V/s General Manager (PJ) Indian Oil Corporation Limited, Haldia and Others has held that;

"As far as acquittal of the appellant by a criminal court is concerned, in our opinion, the said order does not preclude the Corporation from taking an action if it is otherwise permissible. In our judgement, the law is fairly well settled. Acquittal by a criminal court would not debar an employer from exercising power in accordance with the Rules and Regulations in force. The two proceedings, criminal and departmental, are entirely different. They operate in different fields and have different objectives. Whereas the object of criminal trial is to inflict appropriate punishment on the offender, the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a criminal trial, incriminating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the degree of proof necessary to record the commission of delinquency. The rules relating to appreciation of evidence in the two proceedings is also not similar. In criminal law, burden of proof is on the prosecution and unless the

prosecution is able to prove the guilt of the accused "beyond reasonable doubt", he cannot be convicted by a court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of "preponderance of probability". Acquittal of the appellant by a Judicial Magistrate, therefore, does not ipso facto absolve him from the liability under the disciplinary jurisdiction of the Corporation. We are, therefore, unable to uphold the contention of the appellant that since he was acquitted by a criminal court, the impugned order dismissing him from service deserves to be quashed and set aside."

In another decision reported in (1997) 2 SCC 699 (Depot. Manager, AP State Road Transport Corporation V/s Mohammed Yusuf Miya and Others) has held that " the purpose of departmental enquiry and of prosecution are two different and distinct aspects. The criminal prosecution is launched for an offence for violation of a duty, the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So, crime is an act of commission in violation of law or omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service." Therefore, the arguments holds no water.

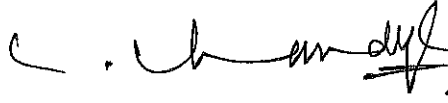
**17.** After examining the evidence produced by the disciplinary authority in the case, I am of the view that the disciplinary authority has clearly proved that the DGO, while working as the Deputy Commissioner of Excise, Mandya had demanded the complainant to pay bribe in order to transfer the CL-9 license which was standing in the name of Sri. S. Bettaiah to the name of Smt. Kempamma, the Mother of the Complainant and then he

again demanded and accepted the bait amount of Rs. 10000/- from the complainant at the time of trap. After careful scrutiny of entire evidence on record I am of the view that the disciplinary authority has proved the charge framed against the DGO by producing, clear and convincing evidence. Therefore, the DGO has failed to maintain absolute integrity and devotion to duty and he has committed grave official misconduct, as defined under Rule 3 (i) to (iii) of the KCS (Conduct) Rules 1957 and hence I have answered the point formulated above in the **AFFIRMATIVE** and proceed to pass the following order.

**-: ORDER :-**

The charge framed against the DGO is proved.

It is reported that the DGO is going to retire from service on 31.12.2027.

  
29/11  
**(C. CHANDRAMALLEGOWDA)**  
Additional Registrar Enquiries. 1,  
Karnataka Lokayukta, Bangalore.

**ANNEXURE**

**LIST OF WITNESSES EXAMINED ON BEHALF OF D.A.:-**

PW-1 Sri. S. Nagaraj (Complainant)  
PW-2 Sri. Manjaiah (Panch Witness)  
PW-3 Sri. Basavaraj (Investigating Officer)

**LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:-**

DW-1 Sri. S.K Kumar (DGO)  
DW-2 Sri. M.S Santhosh Kumar (Defense Witness)


**LIST OF DOCUMENTS MARKED ON BEHALF OF D.A.:-**

Ex.P-1 : Certified copy of Complaint

- Ex.P-2 : Certified copy of Currency note numbers entered sheet  
Ex.P-3 : Certified copies of Entrustment Mahazar  
Ex.P-4 : Certified copies of seized documents  
Ex.P-5 : Certified copy of Trap panchanama  
Ex.P-6 : Certified copy of DGO's written explanation  
Ex.P-7 : Certified copy of Statement of Complainant  
Ex.P-8 : Xerox copies of Photographs  
Ex.P-9 : Certified copy of Rough Sketch  
Ex.P-10 : Xerox copies of Photographs  
Ex.P-11 : Certified copy of FSL report  
Ex.P-12 : Certified copy of Neat sketch

**LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:-**

- Ex.D-1 : Certified copy of Judgment in Spl. Case No. 8/2010

  
(C. CHANDRAMALLEGOWDA)  
ARE-1, KLA, Bangalore.