

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/339/2011/ARE-3

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **03/12/2019**

RECOMMENDATION

Sub:- Departmental inquiry against Sri Anand Ramappa Navalagunda, Revenue Inspector, Office of Tahsildar, Savanur Taluk, Haveri District – Reg.

Ref:-1) Government Order No.ಕಂಇ 111 ಬಿಡಿಪಿ 2011 Bengaluru dated 13/09/2011.

- 2) Nomination order No.LOK/INQ/14-A/339/2011 Bengaluru dated 14/10/2011 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 30/11/2019 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 13/09/2011 initiated the disciplinary proceedings against Sri Anand Ramappa Navalagunda, Revenue Inspector, Office of Tahsildar, Savanur Taluk, Haveri 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/339/2011 dated 14/10/2011 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 Sri Anand Ramappa Navalagunda, Revenue Inspector, Office of Tahsildar, Savanur Taluk, Haveri District was tried for the following charge:-

“That you, Ananda Ramappa Navalagunda (herein after referred to as Delinquent Government Official, in short DGO), while working as the Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District demanded and accepted a bribe of Rs.1500/- on 13/7/2010 from Sri Umesh Veerabhadraiah Poojar, Karadagi, Savanur Taluk, Haveri for submitting a report in connection with the issue of certificate with regard to the sinking of borewells in his land and the land of his friend Shivanand that is for doing an official act, and thereby you 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.”

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that;

- (i) the Disciplinary Authority has proved the charge as framed against DGO Sri Anand Ramappa Navalagunda, the then Revenue Inspector, Office of Tahsildar, Savanur Taluk, Haveri District;
- (ii) the DGO has been convicted by Special Court, Haveri in Spl.C.C (LOK) No.2/2011 vide judgment dated 23.6.2016 imposing both sentence of imprisonment and fine against him.

(iii) DGO has challenged the said judgment of conviction and sentence by preferring Appeal before the Hon'ble High Court of Karnataka, Dharwad Bench and the appeal so filed in Cr.A.No.100195/2016 is still pending consideration before Dharwad Bench of Hon'ble High Court.

(iv) Consequent to his conviction, DGO has been dismissed from service as per the orders of the Deputy Commissioner, Haveri dated 4.1.2017, and hence DGO is no longer in Government service.

(v) DGO has challenged his order of dismissal by filing Application before KAT in A. No. 1160/2017 and it is pending consideration before the KAT.

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


6. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Anand Ramappa Navalagunda, it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO Sri Anand Ramappa Navalagunda, Revenue Inspector, Office of Tahsildar, Savanur Taluk, Haveri District.

7. The DGO was dismissed from service on 4/1/2017 in view of his conviction in Spl. C.C (LOK) No. 2/2011 of Special Court, Haveri. Against the judgment of conviction, the DGO had preferred an Appeal in Criminal Appeal No. 100195/2016 before the High

Court of Karnataka, Dharwad Bench, Dharwad. If the DGO gets favourable order in the Criminal Appeal No. 100195/2016 and conviction of DGO is set aside, the above recommendation of imposing penalty of permanently withholding 50% of pension on DGO shall be implemented. Otherwise, if the conviction of DGO is confirmed in the Criminal Appeal No. 100195/2016, this recommendation shall be treated as redundant.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 2/12
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/339/2011/ARE-3

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

Date: 30.11.2019

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

Sub: Departmental Enquiry against Sri Anand Ramappa
Navalagunda, Revenue Inspector, O/o Tahsildar, Savanur
Taluk, Haveri District - reg

- Ref:**
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BGM/23/2011/DRE-1 dated 16.8.2011
 2. Government order No. RD 111 BDP 2011 dated 13.9.2011
 3. Nomination Order No.LOK/INQ/14-A/339/2011 dated 14.10.2011 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

1. One Sri Umesh Veerabhadraiah Poojar, R/o Karadagi village, Savanur Taluk, Haveri District (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Haveri on 13.7.2010 against Sri Anand Ramappa Navalagunda, Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District (hereinafter referred to as 'DGO' for short) making allegations against him that, he/DGO is demanding him to pay bribe of Rs. 2,000/- in order to provide him the letter of permission for taking electric connection to the borewell dug in his land bearing sy.no. 10/2 standing in the name of his father. It is the allegation of the Complainant that, the DGO though demanded Rs. 2000/- as bribe, on negotiation scaled down his demand insisting him to pay Rs. 1500/- as bribe in order to attend his work of providing him the required permission letter.

2. On registering a case on the basis of the said complaint, a trap was held on the same day i.e., on 13.7.2010 in the cabin of the Revenue Inspector in the O/o Tahsildar, Savanur wherein, the DGO having demanded bribe from the complainant, received Rs.1500/- from the complainant by way of bribe. The tainted money of Rs. 1,500/- was recovered from the black rexin bag of the DGO which was found kept on the table of the DGO in his cabin, during the trap proceedings. Since it was revealed during the investigation that, the DGO having demanded bribe from the complainant received the bribe amount of Rs. 1,500/-, in order to do an official act i.e., in order to provide the complainant the letter of permission for taking electric connection to the borewell dug in his land bearing sy.no. 10/2 standing in the name of his father, the Police Inspector, having conducted investigation, filed charge sheet against the DGO.
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. DGO has submitted his reply dated 19.4.2011 denying the allegations made against him contending that, he never demanded or received any money by way of bribe from the complainant, and he has been falsely implicated. Except denying each and every allegations made against him in the observation note, DGO has not taken any specific defence in his reply to the observation note. Hence, the defence of the DGO taken in his reply was one of total denial. Further he has and requested this authority to drop the proceedings against him

claiming that, the allegations are false and concocted and documents are fabricated against him, just to harass and defame him.

4. 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 the DGO and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, i.e., the Government of Karnataka in the Revenue Department, by its order in No. RD 111 BDP 2011 dated 13.9.2011, initiated disciplinary proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against the DGO, the Hon'ble Upalokayukta issued a nomination order dated 14.10.2011 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, Ananda.Ramappa.Navalagunda, (here in after referred to as Delinquent Government Official, in short DGO), while working as the Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District demanded and accepted a bribe of Rs. 1500/- on 13/7/2010 Sri Umesh.Veerabhadraiah Poojar, Karadagi Savanur Taluk, Haveri for submitting a report in connection with the issue of certificate with regard to the sinking of borewells in his land and the land of his friend Shivanand that is for doing an official act, and thereby you 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.

STATEMENT OF IMPUTATION OF MISCONDUCT:

The complainant Sri Umesh.Veerabhadraiah,.Poojar, Karadagi Savanur Taluk, Haveri filed a complaint on 13/7/2010 before the DSP, Karnataka Lokayukta, Haveri alleging that he is the eldest son of his parents and his father was very old and weak and that he was looking after the agriculture of his family and that on 20/3/2010 a borewell was sunk in his land bearing sy. no. 10/2 of Karadagi village and had applied for certificate/permission from the Tahsildar, Savanur on 10/4/2010 to get electricity connection to the said borewell and that his friend Shivanand had also dug a borewell in his land and that he too wanted electricity connection to the borewell sunk in his land and that in that connection Sri Ananda.Ramappa.Navalagunda, Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District (here in after referred to as Delinquent Government Servant, in short DGO) had made the inspection of the spots about 10 days prior to 13/7/2010 and that thereafter DGO insisted to pay a bribe of Rs. 1000/- by each of them i.e., total bribe of Rs. 2000/- and after bargain it was reduced to Rs. 1500/- for submitting his report.

As the complainant was not willing to pay any bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta, Haveri on 13/7/2010 and lodged a complaint. On the basis of the same a case was registered in Haveri Lokayukta Police Station Cr. No. 3/2010 for offences punishable under sections 7, 13(1) (d) r/w

section 13(2) of the P.C. Act,1988 and FIR was submitted to the concerned learned special judge.

After registering the case, investigating officer observed all the pre trap formalities and entrustment mahazar was conducted and you, the DGO was trapped on 13/7/2010 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 1500/- from the complainant in the presence of shadow witness and the said bribe amount which you had received from the complainant was seized from your possession under the seizure mahazar after following the required post trap formalities. During the investigation the I.O has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O during the investigation has sent the seized articles to the chemical examiner and obtained and obtained the report from him and he has given the result as positive.

The materials collected by the I.O. during the investigation prima facie disclose that you, the DGO, demanded and accepted bribe of Rs. 1500/- from the complainant on 13/7/2010 for doing an official act i.e., for for submitting a report in connection with the issue of certificate with regard to the sinking of borewells in his land and the land of his friend Shivanand. Thus you, the DGO, have failed to maintain absolute integrity and devotion to duty and this act on your part is unbecoming of a Government servant. Hence, you have committed an act which amounted to misconduct as stated under Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.

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

5. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO has appeared before this authority 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 this enquiry.
6. DGO has filed his written statement on 25.3.2013 denying the charges and imputations made against him claiming that, he is innocent and he never demanded or received any bribe or illegal gratification from the complainant and he has been falsely implicated. He has taken up the same contention as he has taken in his reply to the observation note, denying each and every allegations made against him. He has further contended that, he has been charge sheeted by Lokayukta police and the trial in Spl.C.C. No. 2/2011 is pending against him before Spl.Court, Haveri and hence initiation of disciplinary proceedings against him by way of parallel proceedings is not maintainable. He has taken up a further contention that, no work of the complainant was pending with him and a false case has been filed against him by the complainant with

the misunderstanding of facts. He has requested this authority to absolve him from the charges levelled against him.

7. During enquiry, 3 witnesses have been examined as PW1 to PW3 and 15 documents came to be marked as Ex-P1 to Ex-P15 on behalf of the 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 himself as DW-1 and examined one more witness by name Rajappa as DW-2 in support of his defence. 9 documents came to be marked as Ex-D1 to Ex-D9 in support of the defense of the DGO, during his defence evidence.

8. Thereafter, the learned Presenting Officer and the learned counsel for DGO have filed their written arguments. Thereafter, this matter is taken up for consideration.

9. 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?

10. The above points are answered as under:

Point No.1: In the 'Affirmative'

Point No.2: As per Conclusion.

REASONS

Point No.1:-

11. DGO was working as Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District during the relevant period.

12. According to the Complaint allegations, sy.no. 10/2 of Karadagi village is standing in the name of his father Veerabhadraiah. He and his father have dug a borewell in the said land and in order to obtain electricity connection to the said borewell from the electricity department, no objection certificate is required from the O/o Tahsildar. Hence, an application was filed to the O/o Tahsildar, Savanur on 8.4.2010 in the name of his brother Ravindra and produced all the relevant documents pertaining to the said land, for issue of the required certificate. In response to the said application, the DGO and another official have visited the said land of the complainant and conducted spot inspection. While returning, after conducting spot inspection, the DGO asked the complainant to meet him in his office. Accordingly, the complainant met the DGO on 10.7.2010 in his office and during the said visit DGO insisted the complainant to pay Rs. 1000/- by way of bribe in order to submit a favourable report to the Tahsildar. Hence the complainant, approached Lokayukta police on 12.7.2010 and informed them about the demand for bribe being made by the DGO in order to submit a favourable report to the Tahsildar. The Dy.SP gave him/complainant a digital voice recorder and asked him to meet the DGO and to record the conversation with him regarding demand for bribe being made by him. Accordingly, the complainant met the DGO on 12.7.2010 and discussed with him about the submission of report to the Tahsildar as per the spot inspection he has conducted. During that conversation, DGO demanded him to pay Rs. 2000/- by way of bribe in order to forward a favourable report and on negotiation the DGO scaled down his demand and insisted the Complainant to pay Rs. 1500/- in order to submit favourable report to the Tahsildar. The complainant having recorded the said conversation with the DGO in the digital voice recorder given to him, again approached Dy.SP, Karnataka Lokayukta, Haveri on

13.7.2010 and filed a written complaint as per Ex-P1 and handed over the voice recorder to the Dy.SP.

13. On the basis of the complaint so filed by the complainant on 13.7.2010 the Deputy Superintendent of Police, Karnataka Lokayukta, Haveri, has registered a case in Cr. No. 3/2010 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.

14. An entrustment proceedings was conducted in the Lokayukta Police Station, Haveri on 13.7.2010 in the presence of two panch witnesses viz., Sri.Basavareddy Hutchappa Koppad, SDA from the office of the BEO and Sri.Ramesh Shivappa Hakki, FDA from the office of the Zilla Panchayath, Haveri and in the said proceedings, the bait money of Rs.1,500/- consisting of two currency notes of Rs.500/- denomination each, four currency notes of Rs.100/- denomination each and two currency notes of Rs.50/- 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. Basavareddy Koppad was entrusted with the task of a shadow witness. A voice recorder was entrusted to the complainant asking him to switch on the same when he meets the DGO and to record the conversation with him, while paying money to him.

15. The complainant and shadow witness were taken to Savanur Taluk office and sent them to meet the DGO. When the complainant accompanied with the shadow witness met the DGO and enquired him about his work and about submission of report to the Tahsildar

on the basis of his spot inspection, DGO asked him/complainant as to whether he has brought money as demanded. When the complainant gave the tainted notes the DGO, he/DGO received that amount and having counted the same, kept that money in his black colour rexin bag which was found kept on his table. Thereafter, the complainant came out of the office of the DGO and gave pre-arranged signal to the Deputy Superintendent of Police.

16. On receiving the signal from the complainant, Deputy Superintendent of Police and his staff and another panch witness approached the complainant. The complainant took them inside the office/cabin of the DGO and showed the DGO who was found sitting in his cabin and told the Dy.SP stating that, he/DGO is the concerned Revenue Inspector and he has received the bribe money of Rs. 1,500/- from him and kept it in his black rexin bag.
17. The Deputy Superintendent of Police introduced himself to the DGO and informed him/DGO about the registration of a case against him. On enquiry, DGO disclosed his name as Sri Anand Ramappa Navalagunda, Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District .
18. Thereafter, the Deputy Superintendent of Police got prepared Sodium carbonate solution in two separate bowls and asked DGO to wash his both hand fingers separately in those two bowls containing solution. When DGO dipped his right hand fingers and left hand fingers separately in those two bowls containing sodium carbonate solution, the colorless solution in both the bowls turned into pink color. The right hand wash and left hand wash of DGO were collected in two separate bottles and sealed and seized the same.

19. The Dy.SP asked the DGO about the money he has received from the complainant. DGO told that the money is available in the black rexin bag which was found kept on his table. As per the direction of Dy.SP, panch witness Sri Ramesh Hakki searched the said black rexin bag and took out the money from the said bag and produced the same before IO. Those notes were cross checked with reference to its serial numbers and confirmed that, those were the notes entrusted to the complainant during entrustment proceedings. Those notes were kept in a separate cover and sealed the same.
20. DGO was asked to give his written explanation regarding recovery of tainted notes from his bag. DGO gave his explanation in writing as per Ex P6 claiming that, the complainant has forcibly kept the money in his bag and ran away out of his cabin. The complainant and shadow witness have denied the correctness of the version of the explanation given by the DGO claiming it as false and incorrect.
21. The DGO was asked to produce the relevant file pertaining to the spot inspection he has conducted in the land belonged to the Complainant. DGO has produced the file by taking it out in the rack which was found kept by the right side of his chair. The copies of the records from the said file have been obtained and seized as per Ex-P8.
22. The digital voice recorder entrusted to the complainant during the entrustment proceedings was taken back from him and it was played in the presence of the DGO and panch witnesses and the conversation took place between the complainant and the DGO was found recorded in it. The said conversation was transferred into CDs and seized the same.

23. The conversation with the DGO recorded by the complainant before filing of the complaint and while paying money to him on the day of trap, were played in the presence of Sri S.D. Patil, Shirestedar, and also one Sri H.K. Yereningappa, Shirestedar and they having heard those conversations, identified the voice of the DGO in those two conversations. A detailed trap mahazar was got prepared in the cabin of the DGO as per Ex-P3 incorporating all the details of the trap proceedings. Even the photographs of the entire proceedings were obtained as per Ex-P12.
24. During enquiry, the complainant has been examined as PW-1 and the shadow witness as PW2 and the Police constable who assisted the Dy.SP in conducting entrustment and trap proceedings has been examined as PW3 since, the investigating officer/Dy.SP could not be secured since he is dead.
25. The complainant who is examined as PW1 has not supported the case of the disciplinary authority and turned hostile. He claimed that, he never seen the DGO earlier and he is seeing the DGO for the first time before this authority while giving his evidence. He has admitted that, certain agriculture lands is standing in the name of his father and a borewell has been dug in the said land and since permission was necessary from the O/o Tahsildar to get the electricity connection to the said borewell, an application was filed to the Tahsildar seeking letter of permission to obtain the electricity connection to the said borewell.
26. He further claimed that, during spot inspection by the DGO, he was not present and DGO never demanded any money from him by way of bribe. According to him, he has filed the complaint at the instance of one Fakeeraiah and admitted his signature on the complaint, Ex-

P1 claiming that, he is not aware of the contents of the said complaint.

27. Since he never said anything in his evidence about entrustment mahazar and the trap proceedings, he has been treated as hostile witness and he has been thoroughly cross examined by the learned PO. All the suggestions put to him have been conveniently denied by him thereby, he refused to support the case of the disciplinary authority. Even the learned counsel for the DGO cross examined him and put suggestions to him suggesting him that, when Fakeeriaha went inside the office of the DGO, he was standing outside and after some time when Fakeeriaha came out of the cabin of the DGO, both he and Fakeeriaha went inside the cabin of the DGO. A further suggestion was put to him that, Fakeeriaha told the Lokayukta police that, the amount is in the bag of the DGO and hence the Lokayukta police made the DGO to remove the amount from the bag and thereafter his hand wash was obtained. Considering the total denial of the entire pre trap and trap proceedings including filing of the complaint by him and denying each and every suggestions put to him during his cross examination by the learned PO and considering the nature of admissions given by him during his cross examination by the learned counsel for the DGO by giving positive answers to all those suggestions put to him, the possibility of the complainant being won over by the DGO and made him to give such an evidence as against the case of the disciplinary authority, cannot be ruled out.

28. PW2 is the shadow witness and he stated in his evidence regarding conducting of entrustment proceedings in the Lokayukta Police Station, Haveri and entrustment of tainted notes of Rs. 1,500/- to the complainant in the said proceedings. He has further stated that,

he accompanied the complainant and went along with him when the complainant met the DGO in his cabin and enquired about the application filed by him/complainant and one Shivanand in respect of granting permission to obtain electricity connection to the borewell dug in his land and also in the land of Shivananda. PW2 has further deposed that, DGO enquired the complainant about the money he has demanded and hence the Complainant gave tainted money to the DGO and the DGO having received the said money from the Complainant, kept the same in his rexin bag. Thereafter, he and the complainant came out of the cabin of the DGO and complainant gave pre-arranged signal to the Deputy Superintendent of Police.

29. He further gave details regarding the arrival of the Deputy Superintendent of Police on receiving signal from the complainant, and further gave details regarding various procedures conducted by the Deputy Superintendent of Police in the cabin of the DGO including obtaining of hand wash of both the hands of DGO which gave positive result regarding presence of phenolphthalein, recovery of tainted notes of Rs. 1,500/- from the rexin bag of the DGO through the panch witness-Ramesh Hakki, giving of explanation by the DGO as per Ex-P6, seizure of documents pertaining to the spot inspection of the land of the complainant he has conducted and other documents including the application filed seeking for permission as per Ex-P8. He further narrated in detail stating that, during the entrustment proceedings a digital voice recorder was given to the complainant asking him to switch on the same on meeting the DGO and while paying money to him and to record the conversation with him while paying money to him subsequent to the trap of the DGO the said voice recorder was taken back from the complainant and when played, the conversation took place between

the complainant and the DGO was found recorded in it and the Dy.SP conducted voice identification procedure in the presence of Shirestedar of the said Taluk office who on hearing the said conversation and also the conversation recorded by the complainant prior to filing of the complaint, identified the voice of the DGO in those 2 conversations. The transcription of the said conversation recorded during the trap proceedings was also got prepared as per Ex-P7. Even certain other documents were also seized since produced by the DGO as per Ex-P8. He narrated in detail the preparation of the trap mahazar incorporating all the details of the trap proceedings as per Ex-P3 and obtaining of photographs and other details of the trap proceedings.

30. PW2 has been thoroughly cross examined by the learned counsel for the DGO. Various suggestions have been put to him denying the evidence given by him in his chief examination. All those suggestions have been categorically denied by PW2.

31. A specific suggestion was put to him that, when the complainant was talking with the DGO, he/DGO received a phone call on his mobile and in order to answer the said call DGO came out of his cabin and after answering the call, he again went inside the cabin. A further suggestion was put to him that, DGO though told the Dy.SP that, he does not know about the tainted notes of Rs. 1500/- recovered from his rexin bag claiming that, the complainant must have kept that money in his rexin bag when he went out of his cabin to answer the phone call and accordingly, gave his explanation claiming that, the complainant himself kept the money in his rexin bag without his knowledge, the Dy.SP without accepting the said explanation insisted him to give explanation in a particular manner and accordingly DGO gave his explanation as per Ex-P6. These

suggestions have been categorically denied by PW2. A further suggestion was put to him that, the 2 persons who were there in the cabin of the DGO when he and the complainant went inside the cabin of the DGO also told the Dy.SP that, the complainant himself kept the money in the rexin bag of the DGO, the Dy.SP refused to believe their say and falsely implicated the DGO. Even this suggestion has been categorically denied by PW2.

32. The Dy.SP who conducted investigation of this case right from the registration of the complaint till the filing of the charge sheet since died, one Sri M.D. Hiremath who assisted the Dy.SP in this case has been examined as PW3. PW3 has stated in his evidence that, on the basis of the complaint filed by one Umesh Veerabhadraiah Poojar, , Dy.SP having registered a case in Cr.No. 3/2010 took up investigation of the said case and he assisted Dy.SP in the investigation of the said case.
33. He further narrated in detail regarding conducting of entrustment proceedings in the presence of 2 official witnesses and entrustment of the tainted notes of Rs. 1500/- to the complainant in the said proceedings. He has also stated in detail that, the complainant while filing his complaint has produced one voice recorder entrusted to him by Dy.SP and the said voice recorder when played was found to contain conversation recorded in it and the transcription of the relevant portion of the said conversation has been incorporated in the entrustment mahazar itself.
34. He further gave evidence regarding the trap proceedings conducted in the O/o Tahsildar, Savanur stating that, Dy.SP has sent the complainant along with PW2/shadow witness to meet the DGO in the said Taluk office and accordingly, the complainant having

accompanied the shadow witness went inside the taluk office and after sometime the complainant came out and gave signal to the Dy.SP. PW3 has claimed that, he and other staff and another panch witness accompanied the Dy.SP and approached the complainant who took them inside the cabin of the DGO and showed the DGO to the Dy.SP claiming that, he is the concerned Revenue Inspector and he has received money from him. PW3 further gave details regarding various procedures conducted by the Dy.SP including obtaining of hand wash of both the hands of the DGO which gave positive result regarding presence of phenolphthalein, recovery of tainted notes of Rs. 1500/- from the rexin bag of the DGO which was found kept on the table of the DGO, obtaining the swab of the place inside the portion of the black rexin bag where tainted notes were found kept in it, and subjecting the said cotton swab to phenolphthalein test which gave positive result regarding presence phenolphthalein and seizure of the said rexin bag of the DGO along with the cotton swab, by returning some other cash along with certain other materials which were available in the said bag to the DGO since DGO claimed that, it was the amount he has drawn from the bank while coming to the office, giving of explanation by the DGO as per Ex-P6, seizure of documents pertaining to the Complainant since produced by the DGO, conducting of voice identification proceedings and identification of the voice of the DGO by the shirestedars, in the 2 conversations played before them and other details of the trap proceedings conducted by Dy.SP including preparation of trap mahazar and obtaining of photographs etc.,

35. PW3 has been thoroughly cross examined by the learned counsel for the DGO but, nothing was elicited during his cross examination to disbelieve the evidence given by PW3 and also the fact that, he had accompanied the Dy.SP and helped him in conducting the pre-trap

proceedings in the police station and trap proceedings in the cabin of the DGO. The evidence given by PW3 throws light on the details of the investigation the deceased Dy.SP has conducted including sending of seized articles to FSL for chemical examination and receipt of the report of chemical examiner as per Ex-P13 and other details of the investigation conducted by Dy.SP.

36. DGO has adduced his defence evidence by examining himself as DW-1 and produced certain documents in support of his defence which came to be marked as Ex-D1 to D8 during his defence evidence. The main contention he has urged in his defence evidence is that, during his inspection he has noticed that, many borewells were found dug in the lands situated around the land of the complainant and those borewells were found dug one near to the other. According to him, as per the Government circular no borewell should be dug within the periphery of 50 mtrs. from the existing borewell and since the borewell in the land of the complainant has been dug within the stipulated distance from the existing borewell, he told the father of the complainant that, NOC cannot be issued because of close proximity of borewells in that area. It is his defence contention that, because of this reason, a false complaint has been filed making false allegations against him though he never demanded or received any money by way of bribe from the complainant and in order to score vengeance against him. In support of his contention he has produced certain Government circulars and Government order as per Ex-D1 and D2 and also the extract of the act viz., Karnataka Ground water (Preservation and control of drinking water sources) Act of 1999 as per Ex-P3. He has also produced certain NOC certificates issued from the O/o Tahsildar to various other persons as per Ex-D4(1)&(2), along with other documents to substantiate the various defence contentions he

has taken during his defence evidence including the application filed by him to the Tahsildar as per Ex-D5 requesting for relieving him of his duties due to his transfer as per his transfer order Ex-D8, the document to show that, he has been deputed for election duty as per Ex-D7(1)&(2) and also the extract of the pass book of his bank account to show that, he has withdrawn Rs. 8000/- from his bank account on 13.7.2010.

37. DGO/DW-1 has been thoroughly cross examined by the learned PO by putting various suggestions to him. All those suggestions have been conveniently denied by the DGO. He has further admitted about his conviction by the Spl.Court and consequent to his conviction his dismissal from service claiming that, he has challenged his order of conviction before the Hon'ble High Court, Dharwad Bench, and it is pending consideration.

38. DGO has examined one more witness by name Sri Rajappa in support of his defence, as DW-2. According to the evidence of DW-2 he and one Inamdar came to the office of the DGO to obtain income certificate and when he went to the cabin of the DGO, he/DGO was not available in the cabin as he had been to the bank and hence they were waiting for him near the cabin of the DGO. It is his further evidence that, DGO returned to his cabin after some time by holding a black rexin bag in his hand and he/DGO having kept his rexin bag on his table, sat on his chair and at that time, he and Inamdar while talking with the DGO, the complainant and one Fakeeresh came inside the cabin of the DGO and they put some money in the black bag which the DGO has kept on his table and on seeing this, though the DGO asked Fakeeresh to come back but, the said Fakeeresh never responded but went out of the cabin of the DGO and thereafter Lokayukta officials came inside the cabin and searched

the rexin bag of the DGO and took out money from the said bag. According to him, Lokayukta officials have obtained his signature and signature of Inamdar on certain documents. He further claimed that, he also appeared before the Haveri court and gave similar evidence before the said court.

39. On perusing the evidence given by DW2, it can be concluded that, DGO has examined this witness to establish that, it was Fakeeresh and complainant who put the money in the rexin bag of the DGO, which was found kept on his table.
40. It is pertinent to note that, no such contention was taken by the DGO claiming that, it was the complainant and Fakeeresh who themselves put money in his bag found kept on his table, while filing his reply to the observation note and also while filing his written statement before this authority. Though he denied giving of his explanation as per Ex-P6 during the trap proceedings, while giving his defence evidence before this authority, no such contention was taken by him in his reply to the observation note and in his written statement claiming that, such a statement was forcibly obtained from him. Therefore, such defence contention taken by the DGO during his defence evidence and through DW-2, must have been taken by him by way of an afterthought in order to save himself from the consequences of this enquiry.
41. The giving of explanation by DGO as per Ex-P6 is not seriously disputed on behalf of the DGO except taking up a contention in his defence evidence that, it was forcibly obtained from him. In his written explanation he has stated as follows:

“ನನ್ನ ಮಗಳಿಗೆ ಮೈಯಲ್ಲಿ ಆರಾಮ ಇಲ್ಲದ ಕಾರಣ ನಾನು ಎಸ್.ಬಿ.ಐ. ಸವಣೂರು ಇವರಲ್ಲಿ ರೂ. 8000/- ಎಂಟು ಸಾವಿರ ಹಣ ಪಡೆದು ನನ್ನ ಬ್ಯಾಗಿನಲ್ಲಿ ಇಡುವಾಗ ಅವನು ನನ್ನ ಬ್ಯಾಗಿನಲ್ಲಿ ಹಣ ಇಟ್ಟು ಎಷ್ಟು ಅನ್ನುವುದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ ನಾನು ಅವನಿಗೆ ಹಣ ಕೇಳಿರುವದಿಲ್ಲಾ ಯಾಕೆಂದರೆ ಸದರ ಬೋರ ಮಂಜುರ ಮಾಡಲು ಬರಲಾರದು ಅಂತಾ ಹೇಳಿದ್ದಕ್ಕೆ ಅವನು ಅಂದ್ರೆ ಉಮೇಶ್ ಪೂಜರ ಇವನು ನಾನು ನನ್ನ ಹಣ ಇಡುವಾಗ ಅವನು ತಂದು ಬಲತ್ಕಾರದಿಂದ ಹಣ ಇಟ್ಟು ಹೊರಗೆ ಓಡಿ ಹೋದ ನಾನು ನಿನ್ನ ಹಣ ತೆಗೆದುಕೊಂಡು ಹೋಗುತ್ತ ಹೇಳಿದೆ ಆದರೂ ಅವನು ಹಣ ವಾಪಾಸ ಪಡೆಯದೆ ಹಾಗೆ ಹೊರಗೆ ಹೋದ ಅಷ್ಟರಲ್ಲಿ ತನಿಖಾ ಅಧಿಕಾರಿಗಳು ಬಂದು ನನ್ನ ಹತ್ತಿರ ಬಂದು ನಿಂತು ಹಣ ಕೇಳಿದರು ಅವರು ನಾನು ತಂದ ಹಣ ಇಡುವಾಗ ಬಲತ್ಕಾರದಿಂದ ಹಣ ಇಟ್ಟಿರುತ್ತಾನೆ ಅಂತಾ ಬರೆಕೊಟ್ಟು ವಿನಂತಿ ರಿಪೋರ್ಟ್.”

42. In his written explanation he never stated anything about the presence of Fakeeraiah with the complainant and never stated anything that, the said Fakeeraiah has kept the money in his bag though he never asked for any money from him. He did not come out with any explanation while filing his reply to the observation note and also while filing his written statement as to the circumstances under which the tainted notes came to be kept in his rexin bag. DGO has also note come out with any explanation as to how his both hands came in contact with the tainted notes since the hand wash of his both hands obtained during the trap proceedings gave positive result regarding presence of phenolphthalein. But while cross examining PW2 and PW3, suggestion was put to them that, the Dy.SP made the DGO to take out the money from the rexin bag and thereafter his hand wash was obtained. Both PW2 and PW3 have denied this suggestion. But interestingly no such contention was taken by the DGO while filing his reply to the observation note and while filing his written statement. Even no such suggestion was put to PW1/Complainant while cross examining PW1/complainant on behalf of the DGO. Therefore, such a defence contention taken by

the DGO during his evidence, including the evidence of DW-2 cannot be believed as such, such an evidence appears to have been let in by the DGO as an afterthought just to save himself from the consequences of this enquiry.

43. Though the complainant denied the filing of the complaint as per Ex-P1, he has admitted his signature on the complaint. Registration of a case against the DGO on the basis of the complaint filed by the complainant as per Ex-P1, is not seriously disputed. Even on going through the seized documents as per Ex-P8, the application seeking for issue of NOC was pending with the DGO and DGO himself has inspected the land of the complainant which fact has not been disputed. Even the village accountant and the president of Karadagi Grama Panchayath have issued letter of recommendation in favour of granting permission to dug borewell in the land belonged to the complainant. The DGO has not produced any document to establish that, he had made an observation during his inspection that, NOC cannot be issued because of close proximity of the borewell dug in the land of the complainant with other existing borewells. Absolutely there are no materials, evidence or documents to believe this contention taken by the DGO in support of his defence. Therefore, such a contention taken by the DGO during the course of this enquiry, cannot be believed.
44. So far as the materials made available on behalf of the disciplinary authority are concerned filing of the complaint by the complainant making allegations against the DGO regarding demand for bribe being made by him, in order to make recommendation for issue of NOC by the Tahsildar, has been established. Further, the transcription of the conversation recorded by the complainant with the DGO in the voice recorder entrusted to him prior, to the

registration of the complaint as per Ex-P7, goes to establish the demand for bribe made by the DGO in order to grant him NOC. The conversation took place between the Complainant and the DGO which he has recorded while paying money to him on the day of trap has been transcribed and incorporated in the trap mahazar itself as per Ex-P3. It is the evidence of PW3 and also the contents of Ex-P3 which discloses that, these conversations have been played in the presence of Shirestedars Sri S.B. Patil and Sri H.K. Yereningappa who have identified the voice of the DGO in those 2 conversations. Further the hand wash of both the hands of the DGO obtained during the trap proceedings gave positive result regarding presence of phenolphthalein which fact has not been disputed on behalf of the DGO. DGO has not come out with any convincing explanation as to how his both hands came in contact with the tainted notes and hence in the absence of any such convincing explanation, I have no hesitation to conclude that, DGO having demanded bribe from the complainant received Rs. 1500/- by way of bribe in order to do an official act of submitting his report of spot inspection to the Tahsildar so as to enable the Tahsildar to issue NOC to the complainant for obtaining electricity connection to the borewell dug in his land.

45. In addition to these materials made available in this enquiry, it is to be considered that, the special court on holding detailed trial in Spl.C.C. No. 2/2011, convicted him vide judgment dated 23.6.2016, holding the DGO guilty of offence of demand and acceptance of bribe from the complainant to do an official act and imposed both sentence of imprisonment and fine on him. Consequent to his conviction, DGO came to be dismissed from service. Aggrieved by the said judgment of his conviction, the DGO has challenged the same by preferring appeal before the Hon'ble High Court of Karnataka in

Cr.A. No. 100195/2016, and the same is pending before the Dharwad Bench of the Hon'ble High Court for consideration. Even the DGO has challenged his order of dismissal by filing Application before the KAT in A.No. 1160/2017 which is pending before the KAT. In fact DGO has moved this authority to stop the proceedings against him in view of his dismissal from service as he is no longer a Government servant. But this prayer of the DGO came to be rejected by this authority. Hence, this is also an another factor, which persuaded me to disbelieve the defence contention of the DGO and to conclude that, the charges against the DGO stands established.

46. Having regard to the discussion made above and on considering the detailed evidence adduced on behalf of the disciplinary authority both oral and documentary and the defence evidence adduced by the DGO, I am of the considered opinion that, the defence contention taken by the DGO and defence evidence adduced by him are created subsequently and in order to take up false contention, such an evidence has been adduced by him by way of an afterthought and hence I disbelieve the defence evidence of the DGO adduced in this enquiry. Hence, I have no hesitation to conclude that, the disciplinary authority has proved the charge against the DGO and accordingly, I answer point no.1 in the affirmative.

Point No.2

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

Contd..

CONCLUSION

i) The Disciplinary Authority has proved the charge as framed against the DGO Sri Anand Ramappa Navalagunda, the then Revenue Inspector, O/o Tahsildar, Savanur Taluk, Haveri District

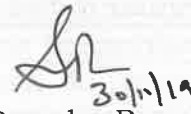
ii) As per the first oral statement of DGO, the date of birth of the DGO is 15.5.1958.

iii) DGO has been convicted by Special Court, Haveri in Spl.C.C. (LOK) No. 2/2011 vide judgment dated 23.6.2016 imposing both sentence of imprisonment and fine against him.

iv) DGO has challenged the said judgment of conviction and sentence by preferring appeal before the Hon'ble High Court of Karnataka, Dharwad Bench and the appeal so filed in Cr.A.No. 100195/2016 is still pending consideration before Dharwad Bench of Hon'ble High Court.

v) Consequent to his conviction, DGO has been dismissed from service as per the orders of the Deputy Commissioner, Haveri dated 4.1.2017, and hence DGO is no longer in Government service.

vi) DGO has challenged his order of dismissal by filing Application before KAT in A.No. 1160/2017 and it is pending consideration before the KAT.



(S. Renuka Prasad)

Additional Registrar of Enquiries-3
Karnataka Lokayukta, Bengaluru.

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

PW-1	Sri Umesh Poojar (complainant)
PW-2	Sri Basavareddy Hutchappa Koppal (shadow witness)
PW-3	Sri M.D.Hiremath (CPC) (original)

II. Witnesses examined on behalf of the DGO:

DW-1	Sri Anand Ramappa Navalagund (DGO)
DW-2	Sri Rajappa

III Documents marked on behalf of D.A.


Ex.P-1	Certified copy of complaint
Ex.P-2	Certified copy of entrustment mahazar
Ex.P-3	Certified copy of trap mahazar
Ex.P-4	Certified copy of statement of Complainant
Ex.P-5	Certified copy of sheet containing slnos of currency notes
Ex.P-6	Certified copy of written explanation of DGO
Ex.P-7	Certified copy of transcription
Ex.P-8	Certified copy of records seized by IO
Ex.P-9	Photographs (Xerox)
Ex.P-10	Extract of inward and outward register (Xerox)
Ex.P-11	Certified copy of rough sketch of scene of occurrence
Ex.P-12	Photographs (Xerox)
Ex.P-13	Certified copy of FSL report
Ex-P14	Certified copy of sketch scene of occurrence
Ex-P15	Statement of Rajappa dated 13.7.2010 (Xerox)

IV. Documents marked on behalf of DGO:

Ex-D1	Circular dated 18.12.1996 (certified copy)
Ex-D2	Government order dated 4.10.1996
ExD3	Extract of Karnataka Ground Water (Conservation of drinking Water) Act of 1999
Ex-D4	Certificate issued by Tahsildar Savanur dated 28.9.2015 (certified copy)

Ex-D5	Application filed by DGO to Tahsildar dated 2.7.2010 (certified copy)
Ex-D6	Number of applications received by DGO (certified copy)
Ex-D7	Notification issued for conducting grama panchayath elections (certified copy)
Ex-D8	Order of transfer dated 15.6.2010 (certified copy)
Ex-D9	Extract of bank pass book of DGO (Xerox)

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


(S. Renuka Prasad) 30/11/19.
Additional Registrar of Enquiries-3,
Karnataka Lokayukta, Bengaluru.

