

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/345/2011/ARE-3

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date:17/01/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri Rathnakara
Mahadevappa Bhavikatti, Village Accountant,
Umarani, Chikkodi Taluk, Belgaum District - Reg.

Ref:- 1) Government order No.ಕಂಇ 109 ಬಿಡಿಪಿ 2011, Bengaluru,
dated 15/9/2011 read with corrigendum dated
10/10/2011

2) Nomination order No.LOK/INQ/14-A/345/2011,
Bengaluru, Dated 18/10/2011 of Hon'ble
Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 15/9/2011 read with Corrigendum dated 10/10/2011, initiated the disciplinary proceedings against Sri Rathnakara Mahadevappa Bhavikatti, Village Accountant, Umarani, Chikkodi Taluk, Belgaum 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/ 345/ 2011 dated 18/10/2011 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 was tried for the following charge:-

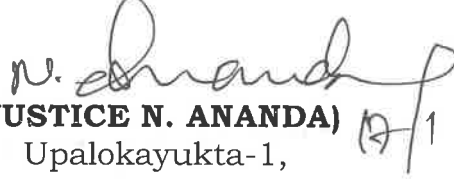
“That you Sri Rathnakara Mahadevappa Bhavikatti, (hereinafter referred to as Delinquent Government Official, in short DGO), while working as the Village Accountant, Umarani, Chikkodi Taluk, Belgaum District demanded and accepted a bribe of Rs.500/- on 07/12/2007 from Complainant Sri Dasharath Annappa Borannavar R/o. Itnal in Chikkodi Taluk of Belgaum District for mutating the name of the Complainant in respect of the lands bearing sy. No. 50/2, 51/3, 52/3, and 53/1+2 of Itnal Village to an extent of 1 Acre 17 Guntas 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, the Disciplinary Authority has proved the above charge against DGO.
5. On re-consideration of the evidence, 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. The Inquiry Officer has held that in view of conviction and sentence dated 26/3/2012 passed against DGO in Special Case No. 30/2009 by the Special Court, Belgaum, the DGO has already

been dismissed from service by the Order of the Deputy Commissioner, Belgaum dated 23/8/2013. The Criminal Appeal No. 2625/2012 filed by DGO challenging the order of his conviction and sentence in Special Case No. 30/2009 is pending before the High Court of Karnataka at Dharwad Bench.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Rathnakara Mahadevappa Bhavikatti, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO Sri Rathnakara Mahadevappa Bhavikatti. If the judgment of conviction and sentence passed by the Special Court at Belgaum in Special case No. 30/2009 is set aside by the High Court of Karnataka in Criminal Appeal No. 2625/2012, this recommendation of imposition of penalty of compulsory retirement from service on DGO shall be implemented.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/345/2011/ARE-3

M.S.Building,
Dr. B.R.Ambedkar Veedhi,
Bengaluru - 560001.
Date: 12.01.2017

Enquiry report

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

- Sub:** Departmental Enquiry against Sri Rathnakara Mahadevappa Bhavikatti, Village Accountant, Umarani, Chikkodi Taluk, Belgaum District - reg
- Ref:**
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BGM/54/2009/DRE5 dated 17.08.2011
 2. G.O. No. RD 109 BDP 2011 Bengaluru dated 15.9.2011 and its correigendum dated 10.10.2011
 3. Nomination Order No.LOK/INQ/14-A/345/2011 dated 18.10.2011 of Hon'ble Upalokayukta-1, Karnataka State, Bengaluru.

1. The complainant Sri Dasharatha S/o Annappa Borannanavar R/o Itnal Village, Umarani Grama Panchayath, Chikkodi Taluk, (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Belgaum on 07.12.2007, against Sri Rathnakara Mahadevappa Bhavikatti, Village Accountant, Umarani, Chikkodi Taluk, Belgaum District (hereinafter referred to as 'DGO' for short) making allegations against him that, the respondent is demanding Rs. 500/- as bribe, in order to effect transfer the khatha of the land bearing sy.no. 50/2, 51/3, 52/3 and 53/1+2 extent 1.17 acres which he/complainant had purchased under a registered

sale deed dated 24.8.2005 into his name. According to the complainant about 25 days prior to 7.12.2007, he had filed an application with the DGO seeking for transfer of khatha of the said land into his name and at that time since the DGO demanded him to pay Rs. 500/- to attend his work of transferring khatha into his name, the complainant had paid Rs. 500/- to the DGO as demanded by him. But when he approached the DGO on 6.12.2007 and enquired about his application, the DGO told him that, the application filed by him since rejected, asked him to file fresh application and further demanded him to pay another sum of Rs. 500/- in order to transfer the khatha of the land purchased by him/complainant to his name. Since the DGO demanded a further sum of Rs. 500/- as bribe from the complainant, the complainant being not ready to pay another sum of Rs. 500/- to the DGO by way of bribe, approached Lokayukta police and filed complaint on 7.12.2007. On registering a case against him on the basis of the said complaint, a trap was held on the same day i.e., on 07.12.2007 in the Taluk office, Chikkodi and the DGO was trapped and caught red handed while demanding and accepting bribe of Rs. 500/- from the complainant. The tainted money of Rs. 500/- was recovered from the hip pocket of the pant of the DGO. Since it was disclosed during investigation, that, the DGO demanded Rs. 500/- as bribe amount from the complainant, to show an official favour i.e., to transfer the khatha of the land purchased by the complainant under the registered sale deed dated 24.8.2005, into his name and received/accepted the said amount as bribe from the complainant, the Police Inspector, Lokayukta Police, Belgaum having conducted investigation and on collecting sufficient materials, charge sheeted the DGO.

2. 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 departmental proceedings against him. The DGO has submitted his reply denying the allegations made against him and taken up a contention that, he is innocent and he has been falsely implicated. 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 him and to entrust the enquiry under Rule 14-A of KCS(CCA) Rules, to this authority to hold enquiry. Accordingly, the Government in the Revenue Department vide Government order No. RD 109 BDP 2011, Bengaluru dated 15.09.2011 and its corrigendum dated 10.10.2011 initiated departmental proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. The Hon'ble Upalokayukta issued a nomination order dated 18.10.2011 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges are framed against the DGO as under.

“Charge

That you, Sri. Rathnakara.Mahadevappa.Bhavikatti, (here in after referred to as Delinquent Government Official, in short DGO), while working as the Village Accountant, Umarani, Chikkodi Taluk, Belgaum District demanded and accepted a bribe of ₹ 500/- on 07/12/2007 from complainant Sri. Dasharath Annappa Borannavar R/o Itnal in Chikkodi Taluk of Belgaum District for mutating the name of the complainant in

respect of the lands bearing sy. no.50/2, 51/3, 52/3 and 53/1+2 of Itnal village to an extent of 1 acre 17 guntas 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 196

STATEMENT OF IMPUTATION OF MISCONDUCT:

The complainant Sri. Dasharath Annappa Borannavar R/o Itnal in Chikkodi Taluk of Belgaum District filed a complaint on 07/12/2007 before the Police Inspector, Karnataka Lokayukta, Belgaum alleging that he had submitted an application before the DGO stating that he had purchased the lands bearing sy. no.50/2, 51/3, 52/3 and 53/1+2 of Itnal village to an extent of 1 acre 17 guntas on 24/8/2005 from Shantha. Maruthi. Borannanvar and others and that his name being mutated in the revenue records in respect of those lands and that Sri. Rathnakara Mahadevappa Bhavikatti, Village Accountant, Umarani, Chikkodi Taluk, Belgaum District, (here in after referred to as Delinquent Government Servant, in short DGO) demanded and accepted a bribe of Rs. 500/- and inspite of that he did not make any mutation in the name of the complainant in respect of those lands and when again the complainant approached him and asked him about the mutation on 6/12/2007 again the DGO demanded a bribe of Rs. 500/- to make mutation in the name of the complainant.

As the complainant was not willing to pay any bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta Belgaum on 07/12/2007 and lodged a complaint. On the basis of the same a case was registered in Belgaum Lokayukta Police Station Cr. No. 20/2007 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 07/12/2007 by the Investigating Officer after your demanding and accepting the bribe amount of ₹ 500/- 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 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 ₹ 500/- from the complainant on 07/12/2007 for doing an official act i.e., for mutating the name of the complainant in respect of the lands bearing sy. no.50/2, 51/3, 52/3 and 53/1+2 of Itnal village to an extent of 1 acre 17 guntas. 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."

3. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO 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.
4. The DGO has filed his written statement denying the allegations made against him and further taken up a contention that, he is

innocent and he has been falsely implicated, though he never demanded and accepted any money from the complainant by way of bribe. The DGO has denied the charges framed against him and his defence is one of total denial.

5. The case was taken up for enquiry and during enquiry, on behalf of the Disciplinary authority 3 witnesses have been examined as PW1 to 3, and 7 documents came to be marked as Ex-P1 to P7. After closure of the evidence on behalf of the disciplinary authority, Second oral statement of the DGO was recorded. The DGO having denied the evidence given by PW1 to 3 as false, further desired to lead defence evidence by examining himself. Accordingly, permission was granted to the DGO to produce his defence evidence. The DGO has examined himself as DW1 and produced one document viz., the certified copy of the deposition of the complainant recorded in special case no. 30/09, by the special judge, Belgaum.
6. Thereafter, learned Presenting officer has filed written arguments. Even on behalf of the DGO, his counsel has submitted written arguments and I have also heard the learned counsel for DGO who submitted his oral arguments in detail. 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 final order.

REASONS**Point No.1:-**

9. The DGO was working as Village Accountant of Umarani Circle of Chikkodi Taluk, Belgaum District during the relevant period. The complainant Sri Dasharatha S/o Annappa Borannanavar R/o Itnal village, Umarani Circle, Chikkodi Taluk has filed a complaint against the DGO making allegations of demanding Rs. 500/- as bribe from him in order to consider his application for transfer of khatha of certain lands into his name.

10. The complainant has stated in his complaint that, he has purchased 1.17 acres of land in various sy.nos. of Itnal Village under a registered sale deed dated 24.8.05 from the original owners Smt. Shantha Maruti Borannanavar and others for valuable consideration. According to the complainant, he has filed an application with the DGO seeking for transfer of khatha of the said land purchased by him into his name. He has filed the said application to the DGO about 25 days prior to 7.12.2007 and also produced all the relevant records viz., RTC, copy of the sale deed etc., According to the complainant, when he filed the said application to the DGO, the DGO demanded him to pay Rs. 500/- in order to attend his work and accordingly, he paid that amount to the DGO as demanded by him. According to the complainant when he met the DGO on 6.12.2007 and enquired him about his application, the DGO told him that, his application has been rejected and asked him/complainant to file fresh application. It is the further allegation of the complainant that, the DGO insisted him to pay another sum of Rs. 500/- by way of bribe in order to attend his work of transferring khatha of the said land into his

name. Hence, the complainant has approached Lokayukta police on 7.12.2007 and filed a complaint as per Ex-P5.

11. On the basis of the complaint so filed by the complainant on 07.12.2007, the Police Inspector has registered a case in Cr. No. 20/2007, 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 Police Station in the presence of two panch witnesses viz., Sri Balappa Subhash Sampagava, SDA, District Treasury, Belgaum and Sri Sahadeva Reddy, FDA, O/o District Registrar, Belgaum and in the said proceedings the bait money of Rs. 500/- consisting of 5 currency notes of Rs. 100/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as tainted money and the said money was entrusted to the Complainant asking him to give the said money to the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri Balappa Sampagav was sent along with the Complainant as a shadow witness. In this regard, a detailed entrustment mahazar was also prepared in the Police Station on the same day.
13. The Complainant accompanied with the shadow witness initially went to the private office of the DGO and since he was told that, the DGO had been to Tahsildar's office, Chikkodi to attend a meeting, the complainant accompanied with the shadow witness came near the Taluk office, Chikkodi and waited there for the DGO. The DGO after finishing the meeting came out of the office of the Tahsildar and on seeing the complainant, took him/complainant to a nearby petty tea stall. Even the shadow witness followed them. The complainant when asked the DGO

about his application seeking for transfer of khatha into his name, the DGO since demanded for money, the complainant gave him the tainted notes. The DGO having received that money from the complainant kept that money in the right side hip pocket of his pant. The complainant thereafter gave pre-arranged signal to the DGO and on receiving signal, the Police Inspector approached the complainant and the complainant showed the DGO saying that he has received money from him. The Police Inspector introduced himself to the DGO and explained to him the purpose for which he has come there. Since it was a public place, the Police Inspector brought the DGO inside the Taluk office and took him inside the KLR section room in the said office. The hand wash of the DGO was obtained by asking him to wash his both hand fingers in two separate bowls containing sodium carbonate solution which gave positive result. Thereafter, the DGO was asked to produce the money he has received from the complainant. The DGO has produced the tainted money from the right side hip pocket of his pant. Thus, the tainted money of Rs. 500/- was recovered from the possession of DGO during trap proceedings and on verification, it was confirmed that, those were the notes entrusted to the complainant during entrustment proceedings. The Police Inspector asked the DGO to give his explanation in writing regarding seizure of tainted money from his possession and the DGO gave his explanation in writing as per Ex-P4 admitting that since the complainant gave him Rs. 500/- asking him to do his work of transferring khatha of the land purchased by him into his name, he has received that money from him. Certain documents pertaining to the complainant were recovered from the private office of the DGO since produced by the DGO on taking the Police Inspector and other panch witnesses to his private office situated

near RD High School, Chikkodi. A detailed trap mahazar was prepared in the office of the Tahsildar, Chikkodi as per Ex-P2.

14. The complainant when examined as PW2 has reiterated all these facts and gave evidence in detail, regarding the conducting of trap proceedings in the office of the Tahsildar, Chikkodi and recovery of tainted money from the possession of the DGO.
15. The shadow witness Sri Balappa Sampagav has been examined as PW1. He gave evidence regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted money of Rs. 500/- to the complainant and preparation of entrustment mahazar. He has further stated that, as per the instructions of the Police Inspector, he accompanied the complainant and they both initially went to private office of the DGO at Chikkodi and since DGO was not there and they were told that the DGO was attending a meeting in the office of the Tahsildar, he accompanied with the complainant went to the office of the Tahsildar and met the DGO near the Taluk office. He has further stated in detail that, the DGO took the complainant to a nearby petty tea stall and received money from him and kept that money in the right side hip pocket of his pant and he has seen all these events that was taken place when the complainant met the DGO near the Taluk office.
16. PW2 has also gave further details about the further proceedings conducted by the police inspector who approached them/PW2 and 1 on receiving signal from the complainant. He has also stated about the obtaining of the hand wash of the DGO on taking him inside the Taluk office which gave positive result and also recovery of tainted money from the hip pocket of the DGO. Even the pant of

the DGO was seized since the right side hip pocket portion of the pant of the DGO when dipped in sodium carbonate solute gave positive result. PW2 also gave the preparation of trap mahazar as per Ex-P2 and recovery of the file pertaining to the complainant from the private office of the DGO since produced by the DGO.

17. PW3 is the IO who gave evidence regarding the registration of the case on the basis of the complaint filed by the complainant and also conducting of entrustment proceedings in the police station and preparation of entrustment mahazar as per Ex-P1. He also gave evidence regarding the trap of the DGO conducted near the Taluk office, Chikkodi and recovery of tainted money from the hip pocket of the pant of the DGO. PW3 has also confirmed the giving of written explanation by DGO as per Ex-P4 wherein he has admitted in clear terms regarding receipt of tainted money from the complainant on 7.12.2007, near the Taluk office, Chikkodi.
18. Both PW1 and PW2 have been cross examined by the learned counsel for the DGO. Before considering the facts elicited by the learned counsel for the DGO, during the cross examination of PW1 and PW2, it is necessary to consider that, the DGO while giving his explanation in writing as per Ex-P4 has admitted the receipt of Rs. 500/- from the complainant and gave his explanation by giving his own version as to why and under what circumstance, he received Rs. 500/- from the complainant. The explanation offered in writing by the DGO reads as follows:

“ಶ್ರೀ ದಶರಥ ಬೊರನ್ನವರ ಇಟನಾಳ ಇವರು ನನಗೆ ಚಿಕ್ಕೋಡಿ ತಾಲೂಕಾ ಇಟನಾಳ ಗ್ರಾಮದ ಜಮೀನು ಖರೀದಿಸಿದ್ದು, ಸದರಿ ಖರೀದಿ ಪ್ರಕಾರ ಡೈರಿ ಮಾಡಿಸೋಡಲು ತಿಳಿಸಿ ನನಗೆ 500/- ರೂಗಳನ್ನು ಕೊಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಹಣವನ್ನು ನಾನು ತೆಗೆದುಕೊಂಡಿರುತ್ತೇನೆ.”

19. On going through the above explanation given by the DGO in writing, he has clearly admitted that he has received Rs. 500/- from the complainant on 07.12.2007 since given by the complainant asking him to do his work.
20. The DGO examined himself as DW-1 and gave evidence in support of his defence and taken up a contention that, the complainant himself tactfully kept the tainted money inside his pocket without his knowledge. The relevant portion of his defence evidence tendered ~~by him~~ by way of his sworn affidavit reads as follows:

"I state that on 7/12/2007, I had gone for attending the meeting being conducted by the Tahsildar. The meeting got concluded at about 5.30pm and I along with my other colleagues came out and we all were having tea in the nearby tea shed stall. Then, I sensed that some one had kept hand into my pant's hip pocket and when I turned out to see who it was, then the complainant suddenly took out his hands from the pocket and then turned back and started moving, then I tried call upon the complainant and in a micro seconds, some people caught hold of my hands and forcibly took me into the Revenue section of Tahsildar's office and then sent all the officials outside the revenue section and then though I protested, the officials forcibly made me to remove certain amount from the pocket and then also forcible washed my hands inside the said solution. I state that, then for the first time, I came to know, that the complainant has tactfully kept the tainted amount inside my pocket on the say of the police authorities and without my knowledge only to harass me. I also state that the police authorities forcibly took my explanation though I protested the same and told that the truth that I did not demand and accepted the gratification as alleged."

21. Even while cross examining PW1 and 2 suggestions have been put to them suggesting that, though the DGO never demanded any amount from the complainant, but the complainant himself placed

Rs. 500/- in the hip pocket of the DGO. But this contention, taken by the DGO by way of his defence has been categorically denied by both PW1 and PW2. Even suggestions were put to PW1 ^{and} ~~to~~ PW2 that, the written explanation as per Ex-P4 was forcibly obtained from the DGO. But this suggestion was also denied by them. Even the IO/PW3 has denied the suggestion put to him that, written explanation as per Ex-P4 was given by DGO at his instance and on exerting pressure on the DGO. The IO has categorically denied this suggestion. Though various other suggestions have been put to PW1 to PW3, it is not necessary for me to consider those details, since it is not in any way helpful to the DGO to establish his defence.

22. On considering the evidence of PW1 to PW3, the complainant/PW2 gave his evidence explaining in detail as to the circumstances which forced him to file the complaint against the DGO. It is also established in the evidence of PW1 to PW3 that, the tainted money has been recovered from the hip pocket of the pant of the DGO. In fact the DGO while giving his written explanation as per Ex-P4, ^{has} admitted in clear terms claiming that, since the complainant gave that money to him asking him to attend his work, he received the said money from the complainant. He never taken up any such contention in his written explanation that, the complainant has forcibly kept money in the hip pocket of his pant without his knowledge. Even while filing his written statement on 29.1.2013, he has not taken up any such contention. But only while cross examining PW1 and 2 and while giving his defence evidence, he has come up with such a defence. Therefore the possibility of DGO taking up such defence at the later ^{stage} of enquiry, by way of an afterthought cannot be ruled out.


23. It is pertinent to note that, the learned IV ADJ and Special judge (PCA) Belgaum in special case no. 30/2009 on holding detailed trial, proceeded to convict the accused holding him guilty of the offences charged against him and sentenced him by imposing both imprisonment and fine. In pursuance of the order of conviction and sentence passed by the Special Court vide judgment dated 26.3.2012 in Special case no. 30/09, the DGO came to be dismissed from service as per the order of the Deputy Commissioner, Belgaum dated 23.8.2013.
24. The DGO has challenged the order of conviction and sentence passed against him by the Special Court, Belgaum by filing appeal before the Hon'ble High Court of Karnataka (Dharwad Bench) by filing criminal appeal no. 2625/2012, which is stated to be pending.
25. I have already discussed at length the evidence produced on behalf of the disciplinary authority and on considering the said evidence let in, in this enquiry and also considering the admission of receipt of Rs. 500/- by the DGO from the complainant on 07.12.2007 in his written explanation as per Ex-P4 and considering the evidence of PW1 to 3 which are sufficient to conclude that, the DGO having demanded bribe of Rs. 500/- from the complainant accepted the same and thus he/DGO has acted in a manner which is unbecoming of a Government servant and thereby, committed misconduct. Accordingly, I hold that, the charge leveled against the DGO has been established. Accordingly, I answer point no.1 in the affirmative.

Point No.2:

26. Having regard to the discussion made above, and in view of my findings on point no.1 as above, I pass the following

ORDER

- i) The Disciplinary Authority has proved the charge as framed against the DGO- Sri Rathnakara Mahadevappa Bhavikatti, Village Accountant, Umarani, Chikkodi Taluk, Belgaum District.
- ii) The date of birth of the DGO is 01.09.1962 as furnished by him while recording his First oral statement.
- iii) In view of the conviction and sentence passed by the Special Court, Belgaum dated 26.3.2012 in special case no. 30/09, the DGO has already been dismissed from service by order of the Deputy Commissioner, Belgaum dated 23.8.2013.
- iv) The appeal filed by the DGO challenging the order of his conviction and sentence in special case no. 30/09 is pending before the Hon'ble High Court of Karnataka, (Dharwad Bench) in Criminal Appeal No. 2625/2012


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

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

PW-1	Sri Balappa Subhash Sampangaon (shadow witness)
PW-2	Sri Dasharath Annappa Borannavar (complainant)
PW-3	Sri R.K. Patil (Investigating officer)

II. Witnesses examined on behalf of the DGO:

DW-1	Sri Bhavikatti (DGO)
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Documents marked on behalf of D.A.

Ex.P-1	Certified copy of the entrustment mahazar
Ex.P-2	Certified copy of the trap mahazar
Ex.P-3	Certified copy of the documents seized
Ex.P-4	Certified copy of the written explanation of the DGO
Ex.P-5	Certified copy of the complaint
Ex.P-6	Certified copy of the chemical examiner report
Ex.P-7	Certified copy of the sketch of scene of occurrence

IV. Documents marked on behalf of DGO:

Ex.D-1	Xerox copy of the deposition of complainant in Spl Case No. 30/09
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V. Material Objects marked on behalf of the D.A:**Nil**


(S. Renuka Prasad)

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