



KARNATAKA LOKAYUKTA

No.Lok/INQ/14-A/594/2014/ARE-3

Multi-storeyed Building,
Dr.B.R. AmbedkarVeedhi,
Bengaluru, dt.27.02.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Sri. J.Ningappa son of Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada District-reg.

Ref: 1. Govt. Order No: ಕಂಇ 93 ಬಿಡಿಪಿ 2014, Bengaluru, dated 05.11.2014.

2. Nomination Order No: Lok/INQ/14-A/594/2014 of Hon'ble Upalokayukta-2, Bengaluru, dated 17.11.2014.

3. Report of ARE-3, KLA, Bengaluru, dated 26.2.2020.

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The Government by its order dated 05.11.2014 initiated the disciplinary proceedings against Sri. J.Ningappa son of Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada 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/594/2014 dated 17.11.2014 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. J.Ningappa son of Neelappa, Village Accountant, Pavoru Village, Dakshina Kannada District, was tried for the following charge:-

“ಶ್ರೀ ಜೆ. ನಿಂಗಪ್ಪ, ಬಿನ್ ನೀಲಪ್ಪ, ಗ್ರಾಮ ಕರಣಿಕರು, ಪಾವೂರು ಗ್ರಾಮ, ಮಂಗಳೂರು ತಾಲೂಕು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ:

- (ಅ) ದೂರುದಾರರು, ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಂತಹ ಆಸ್ತಿಯನ್ನು ಕುಟುಂಬಸ್ಥರ ಅನುಮತಿಯೊಂದಿಗೆ ಮಾರಾಟ ಮಾಡುವುದಾಗಿ ನಿಶ್ಚಯಿಸಿ, ಅದಕ್ಕೆ ಸದರಿ ಕುಟುಂಬದಲ್ಲಿ ಮರಣ ಹೊಂದಿದ ಹಿರಿಯರ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರ ಅವಶ್ಯಕತೆ ಇದ್ದುದರಿಂದ, ತಹಸೀಲ್ದಾರ್, ಮಂಗಳೂರು ತಾಲೂಕು ಇವರಲ್ಲಿ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಕ್ಕಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು;
- (ಆ) ಸದರಿ ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀವು ನೀಡಬೇಕಾಗಿದ್ದು, 3 ತಿಂಗಳಾದರೂ ಸಹ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀಡದೇ ಇದ್ದರಿಂದ, ದೂರುದಾರರು ಈ ಕುರಿತು ನಿಮ್ಮನ್ನು ವಿಚಾರಿಸಿದಾಗ, ನೀವು, ಅರ್ಜಿಗಳನ್ನು ನಿಮ್ಮಲ್ಲಿಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದು, ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ವರದಿಯನ್ನು ರವಾನಿಸಲು 5,000/- ರೂ. ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆಯಿಟ್ಟಿರುತ್ತೀರಿ;
- (ಇ) ನಂತರ, ದಿ:26-12-2012 ರಂದು ದೂರುದಾರರು ಖುದ್ದಾಗಿ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿ, ರೂ.5,000/- ಕ್ಕಿಂತ ಸ್ವಲ್ಪ ಕಡಿಮೆ ಮಾಡಿ ತಮ್ಮ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದಾಗ, 3,000/- ರೂ.ಗೆ ಒಪ್ಪಿಕೊಂಡು, ದಿ:02-01-2013 ರಂದು ಕಚೇರಿಗೆ ಬರುವಂತೆ ನೀವು ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿದೀರಿ;
- (ಈ) ದಿನಾಂಕ:02-01-2013 ರಂದು ನೀವು, ಪಾವೂರು ಗ್ರಾಮದಲ್ಲಿರುವ ಗ್ರಾಮಕರಣಿಕರ ಕಚೇರಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ 3,000/- ರೂ. ಫಿನಾಪ್ತಲೀನ್ ಪೌಡರ್ ಲೇಪಿತ (ಲಂಚದ) ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿರುತ್ತೀರಿ;
- (ಉ) ಸದರಿ ದಿವಸ ಆ (ಲಂಚದ) ಹಣ ನಿಮ್ಮ ವಶದಲ್ಲಿರುವಾಗ, ತನಿಖಾಧಿಕಾರಿಗಳು ಆ ಹಣದ ಸಹಿತ ನಿಮ್ಮನ್ನು ಹಿಡಿದಿರುತ್ತಾರೆ;
- (ಊ) ಅದಲ್ಲದೇ, ಸದರಿ ದಿನಾಂಕದಂದು ಆ (ಲಂಚದ) ಹಣವು ನಿಮ್ಮ ವಶದಲ್ಲಿ ಹೇಗೆ ಇತ್ತು? ಎಂದು ತನಿಖಾಧಿಕಾರಿಗಳು ಪ್ರಶ್ನಿಸಿದಾಗ, ಅದಕ್ಕೆ ನೀವು ಸಮಾಧಾನಕಾರಕ ಅಥವಾ ಸೂಕ್ತ ಉತ್ತರ ಕೊಡಲು ವಿಫಲರಾಗಿರುತ್ತೀರಿ;
- (ಋ) ಆ ನಂತರ, ಆ ಹಣವನ್ನು ನಿಮ್ಮಿಂದ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚನಾಮೆಯಂತೆ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ;

ನೀವು, ಜವಾಬ್ದಾರಿಯುತ ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳಾಗಿದ್ದರೂ ಸಹಿತ ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ, ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿ, ಸ್ವೀಕರಿಸಿದ್ದು, ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಪದೇ ಪದೇ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಮತ್ತು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮ (ಪರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) 1957ರ ನಿಯಮ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ”.

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the charge (demand and acceptance of bribe) framed against the DGO - Sri. J.Ningappa son of Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada District is proved.
5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.
6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Sri. J.Ningappa, is due for retirement on 31.07.2048.
7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Sri. J.Ningappa son of Neelappa,

Village Accountant, Pavooru Village, Dakshina Kannada District and considering the totality of circumstances; 'it is hereby recommended to the Government to impose penalty of 'Compulsory retirement from the service to DGO – Sri. J.Ningappa, Village Accountant'.

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

Connected records are enclosed herewith.

*Early 27-2-20*  
**(JUSTICE B.S.PATIL)**

Upalokayukta,  
State of Karnataka.

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**KARNATAKA LOKAYUKTA**

No. UPLOK-2/DE/594/2014/ARE-3

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

Date: 14.2.2020

26.

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

Sub: Departmental Enquiry against Sri J. Ningappa S/o  
Neelappa, Village Accountant, Pavooru Village, Dakshina  
Kannada District - reg

- Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta  
Act, 1984, in No. Compt/Uplok/MYS/1283/2014/ARE-7  
dated 14.8.2014
2. Government order No. RD 93 BDP 2014, Bengaluru dated  
5.11.2014
3. Nomination Order No.LOK/INQ/14-A/594/2014/  
Dated 17.11.2014 of Hon'ble Upalokayukta, Karnataka State,  
Bengaluru.

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1. One Sri Ritesh Rai, S/o Vittal Rai, Pavooru Guttu, Pavooru Post, Mangalore Taluk, Dakshina Kannada District (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Mangalore, on 2.1.2013, against Sri J. Ningappa S/o Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada District (hereinafter referred to as 'DGO' for short) making allegations against him that, in order to provide him the death certificates of certain deceased members of his family as per his application filed to Pavooru Grama Panchayath DGO while providing him death certificates of 6 of his deceased family members, received Rs. 1000/- and further insisting him to pay Rs. 5000/- in order to provide him the death certificates of the remaining deceased members of his

family and on negotiation DGO having scaled down his demand agreed to receive Rs. 3000/- and insisting him/Complainant to pay Rs. 3000/- in order to provide him the death certificates of the remaining deceased members of his family.

2. On registering a case on the basis of the said complaint, a trap was held on 2.1.2013 in the O/o Village Accountant, Pavoru village, wherein, the DGO having demanded bribe from the complainant, received Rs.3000/- from him, by asking him to keep the money in his table drawer and since the Complainant kept the money on his table, the DGO by using a ball pen slid those notes so as to see that those notes fall into his table drawer, thus received the bribe amount of Rs. 3000/- from the Complainant in the manner as disclosed during the trap proceedings. The tainted notes of Rs. 3000/- was recovered from the table drawer of the DGO. Since it was revealed during investigation that, the DGO having demanded bribe from the complainant, received Rs. 3000/- by way of bribe in the manner as described in the trap mahazar and in order to do an official act i.e., in order to provide him/Complainant the death certificates of the certain deceased members of the family of the Complainant 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 16.6.2014 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. It is his specific contention that, the Complainant having illegally encroached 0.70 cents of government land in sy.no. 65/1A of Pavooru village, is unauthorisedly running a poultry farm in the said encroached portion of the government land and since he/ DGO submitted a report to the Tahsildar about the illegal encroachment of government land by the Complainant, he/ Complainant developed grudge against him and filed a false complaint making false allegations against him. He has taken up a further contention that, the application of the Complainant seeking for grant of death certificate of certain deceased members of his family, was processed by him and along with his report, he has submitted the file pertaining to the Complainant to the O/o Tahsildar through the Revenue Inspector and there was no delay on his part in processing the file pertaining to issue of death certificates as requested by the Complainant and never committed any act of misconduct in demanding or receiving any bribe from the Complainant and requested this authority to drop the proceedings against 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., Government of Karnataka in Revenue department by its order in No. RD 93 BDP 2014, Bengaluru dated 5.11.2014, initiated disciplinary proceedings against the DGO and entrusted the same to the Hon'ble Upalokayukta to hold enquiry. As per the order issued against the

DGO, the Hon'ble Upalokayukta issued a nomination order dated 17.11.2014 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:-**

ಶ್ರೀ ಜೆ. ನಿಂಗಪ್ಪ, ಬಿನ್ ನೀಲಪ್ಪ, ಗ್ರಾಮ ಕರಣಿಕರು, ಪಾವೂರು ಗ್ರಾಮ, ಮಂಗಳೂರು ತಾಲೂಕು, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ:

(ಅ) ದೂರುದಾರರು, ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಂತಹ ಆಸ್ತಿಯನ್ನು ಕುಟುಂಬಸ್ಥರ ಅನುಮತಿಯೊಂದಿಗೆ ಮಾರಾಟ ಮಾಡುವುದಾಗಿ ನಿಶ್ಚಯಿಸಿ, ಅದಕ್ಕೆ ಸದರಿ ಕುಟುಂಬದಲ್ಲಿ ಮರಣ ಹೊಂದಿದ ಹಿರಿಯರ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರ ಅವಶ್ಯಕತೆ ಇದ್ದುದರಿಂದ, ತಹಶೀಲ್ದಾರ್, ಮಂಗಳೂರು ತಾಲೂಕು ಇವರಲ್ಲಿ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಕ್ಕಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು;

(ಆ) ಸದರಿ ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀವು ನೀಡಬೇಕಾಗಿದ್ದು, 3 ತಿಂಗಳಾದರೂ ಸಹ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀಡದೇ ಇದ್ದರಿಂದ, ದೂರುದಾರರು ಈ ಕುರಿತು ನಿಮ್ಮನ್ನು ವಿಚಾರಿಸಿದಾಗ, ನೀವು, ಅರ್ಜಿಗಳನ್ನು ನಿಮ್ಮಲ್ಲಿಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದು, ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ವರದಿಯನ್ನು ರವಾನಿಸಲು 5,000/- ರೂ. ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆಯಿಟ್ಟಿರುತ್ತೀರಿ;

(ಇ) ನಂತರ, ದಿ:26-12-2012 ರಂದು ದೂರುದಾರರು ಖುದ್ದಾಗಿ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿ, ರೂ.5,000/- ಕ್ಕಿಂತ ಸ್ವಲ್ಪ ಕಡಿಮೆ ಮಾಡಿ ತಮ್ಮ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದಾಗ, 3,000/- ರೂ.ಗೆ ಒಪ್ಪಿಕೊಂಡು, ದಿ:02-01-2013 ರಂದು ಕಚೇರಿಗೆ ಬರುವಂತೆ ನೀವು ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿದೀರಿ;

(ಈ) ದಿನಾಂಕ:02-01-2013 ರಂದು ನೀವು, ಪಾವೂರು ಗ್ರಾಮದಲ್ಲಿರುವ ಗ್ರಾಮಕರಣಿಕರ ಕಚೇರಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ 3,000/- ರೂ. ಫಿನಾಪ್ತಲೀನ್ ಪೌಡರ್ ಲೇಪಿತ (ಲಂಚದ) ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿರುತ್ತೀರಿ;

(ಉ) ಸದರಿ ದಿವಸ ಆ (ಲಂಚದ) ಹಣ ನಿಮ್ಮ ವಶದಲ್ಲಿರುವಾಗ, ತನಿಖಾಧಿಕಾರಿಗಳು ಆ ಹಣದ ಸಹಿತ ನಿಮ್ಮನ್ನು ಹಿಡಿದಿರುತ್ತಾರೆ;



(ಉ) ಅದಲ್ಲದೇ, ಸದರಿ ದಿನಾಂಕದಂದು ಆ (ಲಂಚದ) ಹಣವು ನಿಮ್ಮ ವಶದಲ್ಲಿ ಹೇಗೆ ಇತ್ತು? ಎಂದು ತನಿಖಾಧಿಕಾರಿಗಳು ಪ್ರಶ್ನಿಸಿದಾಗ, ಅದಕ್ಕೆ ನೀವು ಸಮಾಧಾನಕಾರಕ ಅಥವಾ ಸೂಕ್ತ ಉತ್ತರ ಕೊಡಲು ವಿಫಲರಾಗಿರುತ್ತೀರಿ;

(ಋ) ಆ ನಂತರ, ಆ ಹಣವನ್ನು ನಿಮ್ಮಿಂದ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚನಾಮೆಯಂತೆ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ;

ನೀವು, ಜವಾಬ್ದಾರಿಯುತ ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳಾಗಿದ್ದರೂ ಸಹಿತ ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ, ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿ, ಸ್ವೀಕರಿಸಿದ್ದು, ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಪದೇ ಪದೇ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಮತ್ತು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) 1957ರ ನಿಯಮ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.

#### ಅನುಬಂಧ-2

##### ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಬೆಂಗಳೂರಿನಲ್ಲಿರುವ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು ತಮ್ಮ ಪತ್ರದೊಂದಿಗೆ ಮಂಗಳೂರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿ' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಅದರಲ್ಲಿ, ಶ್ರೀ.ಜೆ.ನಿಂಗಪ್ಪ ಬಿನ್ ನೀಲಪ್ಪ, ಗ್ರಾಮ ಕರಣಿಕರು, ಪಾವೂರು ಗ್ರಾಮ, ಮಂಗಳೂರು ತಾಲ್ಲೂಕು, ದ.ಕ.ಜಿಲ್ಲೆ ರವರು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ, ಶ್ರೀ.ರಿತೇಶ್ ರೈ ಬಿನ್ ವಿಠಲ ರೈ, ಪಾವೂರು ಗುತ್ತು, ಪಾವೂರು ಅಂಚೆ, ಮಂಗಳೂರು ತಾಲ್ಲೂಕು, ದ.ಕ.ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ 'ದೂರುದಾರರು' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರ ಕೆಲಸದ ಸಂಬಂಧ ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ವೆಸಗಿದ್ದಾರೆಂದು ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 7(2) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ಅ.ಸ.ನೌರರ ವಿರುದ್ಧ ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಲಾಗಿದೆ.

2) ಪ್ರಕರಣದ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:-

(ಅ) ದೂರುದಾರರಂತೆ:- ದೂರುದಾರರು, ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಂತಹ ಆಸ್ತಿಯನ್ನು ಕುಟುಂಬಸ್ಥರ ಅನುಮತಿಯೊಂದಿಗೆ ಮಾರಾಟ ಮಾಡುವುದಾಗಿ ನಿಶ್ಚಯಿಸಿ, ಅದಕ್ಕೆ ಸದರಿ ಕುಟುಂಬದಲ್ಲಿ ಮರಣ ಹೊಂದಿದ ಹಿರಿಯರ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರ ಅವಶ್ಯಕತೆ ಇದ್ದುದರಿಂದ, ತಹಶೀಲ್ದಾರ್, ಮಂಗಳೂರು ತಾಲ್ಲೂಕು ಇವರಲ್ಲಿ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಕ್ಕಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

(ಆ) ಸದರಿ ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ಅ.ಸ.ನೌ ನೀಡಬೇಕಾಗಿದ್ದು, 3 ತಿಂಗಳಾದರೂ ಸಹ ಮರಣ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ನೀಡದೇ ಇದ್ದರಿಂದ, ದೂರುದಾರರು ಈ ಕುರಿತು ಅ.ಸ.ನೌರಿಗೆ ವಿಚಾರಿಸಿದಾಗ, ಅ.ಸ.ನೌ, ಅರ್ಜಿಗಳನ್ನು ತಮ್ಮಲ್ಲಿಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದು, ಅರ್ಜಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ವರದಿಯನ್ನು ರವಾನಿಸಲು 5,000/- ರೂ. ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆಯಿಟ್ಟಿರುತ್ತಾರೆ.

(ಇ) ನಂತರ, ದಿ:26-12-2012 ರಂದು ದೂರುದಾರರು ಖುದ್ದಾಗಿ ಅ.ಸ.ನೌರನ್ನು ಭೇಟಿ ಮಾಡಿ, ರೂ.5,000/- ಕ್ಕಿಂತ ಸ್ವಲ್ಪ ಕಡಿಮೆ ಮಾಡಿ ತಮ್ಮ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದಾಗ, 3,000/- ರೂ.ಗೆ ಒಪ್ಪಿಕೊಂಡು, ದಿ:02-01-2013 ರಂದು ಕಚೇರಿಗೆ ಬರುವಂತೆ ಅ.ಸ.ನೌ ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿದ ಸಂಭಾಷಣೆಯನ್ನು, ದೂರುದಾರರು, ತಮ್ಮ ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

(ಈ) ಅ.ಸ.ನೌರಿಗೆ ಲಂಚ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ದೂರುದಾರರು, ದಿ:02-01-2013 ರಂದು ಮಂಗಳೂರು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಹಾಜರಾಗಿ ಅ.ಸ.ನೌರರ ವಿರುದ್ಧ ದೂರನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ.

(ಉ) ಅಷ್ಟೇ ಅಲ್ಲದೆ, ದಿನಾಂಕ:02-01-2013 ರಂದು ಅ.ಸ.ನೌ , ಪಾವೂರು ಗ್ರಾಮದಲ್ಲಿರುವ ಗ್ರಾಮಕರಣಿಕರ ಕಚೇರಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ 3,000/- ರೂ. ಫಿನಾಪ್ತಲೀನ್ ಪೌಡರ್ ಲೇಪಿತ (ಲಂಚದ) ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿರುತ್ತಾರೆ.

(ಊ) ಸದರಿ ದಿವಸ ಆ (ಲಂಚದ) ಹಣ ಅ.ಸ.ನೌರವರ ವಶದಲ್ಲಿ ಇರುವಾಗ, ತನಿಖಾಧಿಕಾರಿಗಳು ಆ ಹಣ ಸಹಿತ ಅ.ಸ.ನೌರನ್ನು ಹಿಡಿದಿದ್ದಾರೆ.

(ಋ) ಅದಲ್ಲದೇ, ಸದರಿ ದಿನಾಂಕದಂದು ಆ (ಲಂಚದ) ಹಣವು ಅ.ಸ.ನೌರರ ವಶದಲ್ಲಿ ಹೇಗೆ ಇತ್ತು? ಎಂದು ತನಿಖಾಧಿಕಾರಿಗಳು ಪ್ರಶ್ನಿಸಿದಾಗ, ಅದಕ್ಕೆ ಅ.ಸ.ನೌ ಸಮಾಧಾನಕಾರಕ ಅಥವಾ ಸೂಕ್ತ ಉತ್ತರ ಕೊಡಲು ವಿಫಲರಾಗಿದ್ದಾರೆ.

(ಎ) ಆ ನಂತರ, ಆ ಹಣವನ್ನು ಅ.ಸ.ನೌರಿಂದ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚನಾಮೆಯಂತೆ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

(ಬಿ) ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳನ್ನು ಪ್ರಕರಣದಲ್ಲಿ ಹಾಜರು ಮಾಡಿದ್ದು, ಅವು ಕೂಡ ಅ.ಸ.ನೌ ಪದೇ ಪದೇ ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ವೆಸಗಿರುವುದನ್ನು ತೋರಿಸುತ್ತವೆ.

3) ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ 'ಅ.ಸ.ನೌ' ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿ, ಸ್ವೀಕರಿಸಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ 'ಅ.ಸ.ನೌ' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, 'ಅ.ಸ.ನೌ' ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

4) ನಂತರ, ಅ.ಸ.ನೌರಿಗೆ ವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಅವರ ದುರ್ನಡತೆಯ ಬಗ್ಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಂಬಂಧ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸು ವರದಿ ಕಳುಹಿಸಬಾರದು? ಎಂಬ ಬಗ್ಗೆ ಕಾರಣಗಳನ್ನು ಕೇಳಲಾಯಿತು. 'ಅ.ಸ.ನೌ' ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಸಂಗತಿಗಳನ್ನು ನಿರಾಕರಿಸಿ, ತಾನು ಯಾವುದೇ ದುರ್ವರ್ತನೆಯನ್ನು ತೋರಿರುವುದಿಲ್ಲ ಹಾಗೂ ಯಾವುದೇ ತಪ್ಪನ್ನು ಮಾಡಿರುವುದಿಲ್ಲವೆಂದು. ಆದ್ದರಿಂದ, ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳಿಗಾಗಿ ತಮ್ಮ ವಿರುದ್ಧದ ತನಿಖೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ. ಆದರೆ, ಅ.ಸ.ನೌ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳು ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕಾರಕವಾಗಿರುವುದಿಲ್ಲ.

ಅ.ಸ.ನೌರು ಮೇಲ್ನೋಟಕ್ಕೆ ದುರ್ನಡತೆಯನ್ನು ಎಸಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಕನಾಟಕ ರಾಜ್ಯ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾನೂನು ಕಲಂ 12(3)ರಡಿಯಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದ್ದಾರೆ. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಅ.ಸ.ನೌ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ, ಆದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ."

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 25.4.2016 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 reiterated all the contentions he has urged in his reply to the observation note claiming that, he has not committed any act of misconduct and there was no delay on his part in processing the file pertaining to the Complainant regarding issue of death certificates as requested by the Complainant. He has taken up a further contention that, he having visited the village of the Complainant, made local enquiry and prepared a report and submitted his report to the O/o Tahsildar through the Revenue Inspector as the Tahsildar is the Competent Authority to issue Death Certificates. It is his further contention that, he has done his part of work in processing the file of the Complainant and since he had already forwarded the file to the O/o Tahsildar, no work of the Complainant was pending with him as such there was no occasion for him to demand any bribe from the Complainant. He has taken a specific defence contention that, the Complainant with a malicious intention to falsely victimize him/DGO, mischievously slipped Rs. 3000/- in his table drawer (Table drawer of the DGO) and the investigating officer having recovered that amount from his table drawer, falsely implicated him with the allegation of demand and acceptance of bribe from the Complainant though he never committed any such act of misconduct. He has also reiterated his contention that, since the Complainant illegally encroached certain portion of the government land and unauthorisedly running a

poultry farm in the said encroached portion of the government land and since he/DGO submitted his report to the Tahsildar, with regard to the illegal encroachment of the government land by the Complainant, the Complainant having made false allegations against him filed false complaint and falsely implicated him. He has taken up a further contention that, since he is facing trial before the Spl.Court, Mangalore in respect of the same allegations, initiation of disciplinary proceedings against him by way of parallel proceedings is not maintainable and requested this authority to absolve him from the charges leveled against him.

7. During enquiry on behalf of the disciplinary authority, 3 witnesses have been examined as PW1 to PW3 and 17 documents came to be marked as Ex-P1 to Ex-P17 on behalf of the disciplinary authority in this enquiry. 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 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 has filed written arguments. The Learned Counsel for DGO has also filed written arguments on behalf of the DGO. 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 Village Accountant, Pavooru Village, Dakshina Kannada District, during the relevant period.
  
12. The complainant in his complaint has narrated in detail the circumstances under which he has filed the said complaint against the DGO. According to him, his family has got 19 acres of land in sy.no. 111/1 and in order to get the said property divided among the members of his family, he was in need of the death certificates of certain deceased members of his family. Hence, he has filed an application to the Grama Panchayath Office, Pavooru requesting for issue of death certificates of 24 deceased members of his family. According to the Complainant DGO collected Rs. 1000/- from him promising him that, he would keep the certificates ready. When the Complainant contacted the DGO on his mobile after some days and enquired him about the death certificates, it is the allegation of the Complainant that, DGO put forth further demand for bribe asking him/Complainant to bring Rs. 5000/- in order to receive the required certificates. The Complainant having told the DGO that, he would personally meet him to discuss about his demand, disconnected his call and went to Grama Panchayath office on 26.12.2012 and met the DGO and discussed with him about issue of death certificates as requested by him. During this discussion DGO put forth demand for bribe asking the Complainant to pay Rs. 5000/- in order to provide him the required death certificates. Since

the Complainant pleaded his inability to pay that much amount, DGO scaled down his demand insisting the Complainant to pay Rs. 3000/- and asked him to come on 2.1.2013 along with the money and he will keep the certificates ready on that day. The Complainant has recorded this conversation with the DGO on his mobile and since he was not willing to pay any bribe to the DGO, he approached Police Inspector, Karnataka Lokayukta, Mangalore on 2.1.2013 and filed a written complaint as per Ex-P1 and also produced his mobile containing the conversation he had with the DGO on 26.12.2012.

13. On the basis of the complaint so filed by the complainant on 2.1.2013 the Police Inspector, Karnataka Lokayukta, Mangalore, has registered a case in Cr. No. 1/2013 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, Mangalore on 2.1.2013 in the presence of two panch witnesses viz., Sri Krishnaraj, SDA and Sri B. Vasudev, Superintendent, O/o KUWS & SB, Mangalore and in the said proceedings, the bait money of Rs. 3000/- consisting of 6 currency notes of Rs.500/- denomination each given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking him to give that money to the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri Krishna Raj was entrusted with the task of a shadow witness. The Complainant was entrusted with a voice recorder asking him to switch on the same when he meets the DGO and to record the conversation with him, while paying money to him.

15. The complainant and shadow witness were taken to the O/o Village Accountant/DGO at Pavooru village of Mangalore Taluk and sent them to meet the DGO to enquire him about his work of issue of Death certificates. When the complainant accompanied with the shadow witness met the DGO, the DGO was found sitting on his chair in front of his table in his cabin in the Grama Panchayath Office. When the Complainant enquired the DGO about his work of issue of death certificates, DGO gave him one white sheet and asked him to obtain signatures of certain panch witnesses in order to prepare his report and accordingly the Complainant took that sheet of paper with him and came out of the Grama Panchayath office and on obtaining signatures of certain persons, he again went inside the cabin of the DGO and gave it to the DGO. Then the DGO made hand signs asking the Complainant about the money he has demanded and on opening his table drawer asked the Complainant to keep the money in the said table drawer. But the Complainant instead of keeping the money inside the table drawer as directed by the DGO kept the tainted notes on an application which was found kept on the table of the DGO. The DGO on opening the drawer of his table, took a ball pen and slided the money towards the table drawer so as to enable the said notes to fall inside the drawer. Thereafter, the DGO closed the drawer of his table and thereafter, the Complainant came out of the Grama Panchayath office and gave pre-arranged signal to the Police Inspector.

16. On receiving the signal from the complainant, Police Inspector and his staff and another panch witness approached the complainant. The complainant took them inside the Grama Panchayath office and showed the DGO on taking them inside his cabin, stating that, he is the concerned Village Accountant and he has received money from him.



17. The Police Inspector introduced himself to the DGO and informed him/DGO about the registration of a case against him. On enquiry, DGO disclosed his name as J. Ningappa S/o Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada District.

18. The Police Inspector enquired the Complainant about the happenings took place when he met the DGO in his cabin and the Complainant narrated in detail the happenings and also the manner in which DGO having demanded bribe from him received Rs. 3000/- from him by making him to keep the money on his table and by sliding those notes by using a ball pen, made those notes to fall inside his table drawer and further told the Police Inspector that, the tainted notes he gave to the DGO are available in the table drawer of the DGO. Since DGO admitted the availability of money in his table drawer, the Police Inspector asked the DGO to open his table drawer and accordingly, when the DGO opened his table drawer, currency notes were found there inside the table drawer and with the help of panch witness Krishnaraj those notes were taken out from the drawer of the table of the DGO and those notes were cross checked with reference to its slnos. and confirmed that, those were the notes entrusted to the complainant during entrustment proceedings. Those notes were seized by keeping it in a separate cover and sealed the same.

19. By using a cotton swab the top portion of the application which was found kept on the table of the DGO was swabbed and the said cotton swab was packed and sealed and seized for sending it to chemical examination. Reynold pen which the DGO used to slide the notes to fall in his table drawer was also seized, by packing and sealing the same. The personal search conducted on the DGO resulted in recovery of Rs. 350/- + 200/- and since amount was not

found declared in the cash declaration register, Rs. 350/- was returned to the DGO since DGO claimed that, that is his personal money and since the DGO failed to give proper account regarding the remaining amount of Rs. 200/-, even the said amount was also seized separately.

20. The voice recorder entrusted to the complainant was taken back from him and when it was played, the conversation took place between the complainant and the DGO was found recorded in the said voice recorder. The Police Inspector conducted voice identification proceedings and played the said conversation found recorded in the voice recorder and also the conversation recorded with the DGO on his mobile by the Complainant which was transferred into CD during the entrustment proceedings and on hearing those conversations, Deputy Tahsildar, Narayanagowda has identified the voice of the DGO in those conversations.
21. DGO was asked to give his written explanation regarding recovery of tainted note from his table drawer. DGO gave his explanation in writing as per Ex P5. 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.
22. DGO was asked to produce the relevant file pertaining to the application filed by the Complainant and issue of death certificates, to him/complainant. DGO has produced one file from his possession which was found to contain the documents pertaining to the complainant and the copies of those documents in the said file have been seized as per Ex-P6 (11 sheets), Photographs of all these proceedings conducted in the O/o DGO were obtained as per Ex-P7

A detailed mahazar was got prepared incorporating all the details of the trap proceedings as per Ex-P9.

23. During enquiry, the complainant has been examined as PW-1 and the shadow witness as PW2 and the investigation officer has been examined as PW3.

24. The complainant who is examined as PW1 has stated in detail explaining the circumstances under which he has filed the complaint against the DGO as per Ex-P1. He deposed regarding conducting of entrustment proceedings in the Lokayukta Police Station and entrustment of tainted notes of Rs. 3000/- to him in the said proceedings. He further deposed regarding the happenings taken place in the Grama Panchayath Office, Pavooru Village when he along with the shadow witness, met the DGO in his cabin in the said Grama Panchayath office. He narrated in detail as to the manner in which DGO having demanded money from him received the tainted notes from him claiming that, when he/Complainant enquired the DGO about the issue of death certificates which he has requested and DGO by making hand signs enquired him for money and when he offered money to him, DGO did not directly receive money from him but having opened the drawer of his table he/DGO asked him/Complainant to keep the money in the drawer. He has further deposed that, he did not keep the money in the drawer as directed by the DGO but kept the money on the table of the DGO on an application, which was found kept on the table of the DGO. He further narrated in detail as to how the DGO collected that money explaining in detail that, DGO took his ball pen and by using the said ball pen he slided the notes so that the said notes fall inside the drawer of his table and thereafter, he/Complainant came out of

the cabin of the DGO and on coming out of the Grama Panchayath office, gave pre-arranged signal to the Police Inspector.

25. The complainant gave further evidence regarding various procedures conducted by the Police Inspector on his arrival, and deposed in detail regarding seizure of tainted notes from the table drawer of the DGO with the help of panch witness Krishnaraj and also the procedure of obtaining swab of the place inside the drawer where those notes were found kept inside the drawer of the table of the DGO and seizure of the said cotton swab for sending it to chemical examination. He has further deposed regarding giving of explanation by DGO as per Ex-P5, seizure of the documents pertaining to him/Complainant as per Ex-P6. He further deposed regarding the voice identification proceedings conducted and Deputy Tahsildar-Narayanagowda having heard the 2 conversations played in his presence, identified the voice of the DGO in those 2 conversations. He further deposed regarding obtaining of photographs as per Ex-P7, preparation of trap mahazar as per Ex-P9 and other details of the trap proceedings.

26. The learned counsel for the DGO cross examined the complainant at length. He admitted in his cross examination that, he did not produce the 6 death certificates given to him by the DGO while receiving Rs. 1000/- from him. Though he has admitted that, he is running a poultry farm, he categorically denied that, he has encroached certain portion of government land and running his poultry farm in the encroached portion of the government land claiming that, he does not know existence of government land in sy.no. 65/1A near Pavooru village. He has further denied that, he is running the said poultry farm without obtaining any permission or license from the Grama Panchayath office. A specific suggestion was

put to him that, he never went inside the Grama Panchayath office on that day and never met the DGO and without filing any application for grant of the copies of the death certificates, he has filed a false complaint making false allegations against the DGO. Various suggestions put to him have been categorically denied by him including the suggestion that, DGO never demanded or received any bribe money from him on that day. Though the DGO has taken up a specific defence contention in his written statement that, though he never demanded any bribe from the Complainant, he/Complainant in order to harass him and falsely implicate him and with a malicious intention to victimize him, slipped in Rs. 3000/- in his table drawer (table drawer of the DGO) but no such suggestion was put to the Complainant during his cross examination suggesting him that, in order to falsely implicate the DGO he has dropped the money in the table drawer of the DGO, without his knowledge.

27. PW2 is the shadow witness and he has stated about conducting of entrustment proceedings in the Lokayukta Police Station, Mangalore and entrustment of tainted notes of Rs. 3000/- to the complainant in the said proceedings. He has further stated that, he accompanied the complainant and went along with him to Grama Panchayath office, Pavooru. He further claimed that, when the Complainant went inside the cabin of the DGO to meet him, he was standing at a distance of about 10 to 15 feet from the Complainant, standing near the door outside the chamber of the DGO. He further stated that, he noticed that, the Complainant spoke with the DGO and thereafter, kept the money on the table of the DGO and the DGO slided those currency notes kept by the Complainant on his table, by using a ball

pen and by sliding those notes with the help of a ball pen made those notes to fall inside his table drawer.

28. He further gave details regarding the arrival of Police Inspector on receiving the signal from the Complainant, seizure of tainted notes of Rs. 3000/- from the table drawer of the DGO with his help, giving of explanation by the DGO as per Ex-P5, conducting of voice identification proceedings and identification of voice of the DGO in the 2 conversations played during such procedure by Deputy Tahsildar, Narayanagowda, seizure of the documents pertaining to the Complainant from the file produced by the DGO and other details of the trap proceedings including preparation of trap mahazar as per Ex-P9 and obtaining of photographs etc.,
29. PW2/shadow witness was thoroughly cross examined by the Learned Counsel for DGO. Even during his cross examination he has reiterated his contention that, when the Complainant went inside the cabin of the DGO to meet him, he was standing near the door of the cabin and further claimed that, the conversation that was going on between the Complainant and the DGO was not clearly audible to him. He further claimed that, he never seen DGO physically receiving money from the Complainant and further stated that, after the Complainant coming out of the cabin of the DGO he went inside the cabin and the currency notes were found kept on the table of the DGO and after he/PW2 went inside the cabin, DGO slid the money by using a pen so that the said currency notes fall inside the drawer of his table. He further clarified that, DGO was using his right hand to hold the pen to slide the notes inside his table drawer. He further admitted that, hand wash of DGO was not obtained by the Police Inspector. Various suggestions have been put to him and all those suggestions have been categorically denied by

PW2. A further suggestion was put to him that, he is giving false evidence in connivance with the Complainant just to harass the DGO. Even this suggestion has been denied by PW2.

30. PW3 is the IO who gave evidence in detail regarding the various stages of investigation he has conducted, right from registration of the case against DGO on the basis of the complaint filed by the complainant and took up investigation. He has further stated that, the Complainant has produced his mobile, while filing his complaint claiming that, he has recorded the conversation with the DGO and the said conversation was transferred into CD from the mobile of the Complainant.

31. He narrated in detail regarding conducting of entrustment proceedings and entrustment of tainted notes of Rs.3000/- to the complainant, in the said proceedings.

32. He further gave details regarding the trap proceedings he has conducted in the Grama Panchayath office, Pavooru claiming that, he sent both the complainant and shadow witness, to meet the DGO in the Grama Panchayath office, Pavooru. He has further stated that, the complainant came out of the Grama Panchayath office, and gave him pre-arranged signal and on receiving pre-arranged signal from the complainant, he and his staff went inside the Grama Panchayath office, and the complainant took them inside the cabin of the DGO and showed him the DGO claiming that, he/DGO is the concerned Village Accountant who has demanded bribe from him and received money from him, explaining him in detail as to the manner in which the DGO received tainted notes from him by asking him to keep the money in his table drawer but he/Complainant kept

the money on the top of the table and the DGO by using a ball pen slided those notes making it to fall inside the table drawer.

33. PW3 has further narrated in detail regarding recovery of tainted notes from the table drawer of the DGO and also the various procedures he has conducted inside the cabin of the DGO. He further gave evidence in detail regarding giving of explanation by DGO as per Ex-P5, recovery of documents pertaining to the complainant since DGO himself produced the same, as per Ex-P6. He also gave evidence regarding conducting of voice identification proceedings and the Deputy Tahsildar-Narayanagowda, identified the voice of the DGO in the conversation played in his presence during such proceedings. He further claimed that, the transcription of the conversation have been got prepared and produced as per Ex-P10 (1&2) . He also gave evidence regarding the details of the investigation he has conducted including the various steps he has taken during investigation and also seizure of Ball pen used by the DGO in sliding the tainted notes and sending that pen to FSL for chemical examination and the chemical examiner in his report Ex-P13 concluded the presence of phenolphthalein detected in pen and cotton swab, filing of charge sheet after collecting sufficient materials against the DGO.

34. The Learned Counsel for DGO has cross examined PW3/IO at length. He has admitted that, he never collected the genealogical tree of the family of the Complainant and also the details of the dead persons in respect of which death certificates have been sought for by the Complainant. He has further admitted that, the power to issue death certificate was not vested with the DGO and the death certificate will be issued by the Grama Panchayath within one month from the date of the death of the person and if it is beyond



one month it is the Tahsildar who is empowered to issue death certificates. He has further admitted that, as per the letter of Tahsildar dated 30.1.2013, the application of the Complainant seeking for death certificates have been collected by the DGO from the Revenue Inspector. He has further admitted that, he never referred the conversations to FSL to obtain opinion of the experts. A further suggestion was put to him that, the Reynold pen alleged to have been seized in this case from the table of the DGO does not belong to the DGO. A further suggestion has been put to PW3/IO that, the Complainant himself kept the money in the table drawer of the DGO just to falsely implicate him. These suggestions have been categorically denied by the PW3/IO. A further suggestion was put to him that, since the Complainant encroached government land and established a poultry farm and running the poultry farm in the encroached portion of the government land and since the DGO reported this matter to his higher officers, the Complainant taking his help/help of PW3 falsely implicated the DGO by filing false complaint against him. Even this suggestion has been categorically denied by PW3.

35. DGO has adduced his defence evidence by examining himself as DW-1 and produced his evidence by way of sworn affidavit in lieu of his chief examination and reiterated all the contentions he has taken in his written statement claiming that, the Complainant with the malicious intention to victimize him/DGO mischievously slipped Rs. 3000/- in his table drawer and the Police Inspector seized that money from his table drawer under a misconceived notion, tagged it as bribe amount. He further claimed that, he has been acquitted by Spl.Court, Mangalore in Spl.C. No. 16/2014 and produced the copy of the judgment of acquittal as per Ex-D1. He has further produced certain documents as per Ex-D2 to Ex-D5 pertaining to

encroachment of certain portion of government land by one Sujith S/o Raghunatha Shetty and the report submitted by him to the Revenue Inspector as per Ex-D2 along with the survey sketch showing the extent of encroached portion of land in sy.no. 65/1A and other documents pertaining to such alleged encroachment of government land, as per Ex-D3 to D8. He has also produced the copies of extract of relevant pages of the outward register as per Ex-D9 (1&2) to substantiate his contention that, he has reported the matter of illegal encroachment of portion of government land in sy.no. 65/1A by Sujith S/o Raghunatha Shetty. By producing these documents, DGO has reiterated his contention that, he has been falsely implicated by the Complainant by filing false complaint against him and in order to score personal vengeance against him, since he sent a report regarding the illegal encroachment of government land by the Complainant, he has been falsely implicated by the Complainant.

36. DGO/DW1 has been thoroughly cross examined by the Learned Presenting officer. During his cross examination he claimed that, he is not aware of any application filed by the Complainant for grant of death certificates of certain deceased members of his family. Various suggestions put to him during his cross examination have been conveniently denied by him. He further admitted, giving of his explanation as per Ex-P5 before the Police Inspector during the trap proceedings but claimed that, the explanation given by him is true and correct and he further claimed that, he never gave any false explanation as suggested to him. He has categorically denied seizure of documents pertaining to the Complainant from his possession during the trap proceedings. A further suggestion was put to him that, the Complainant is nothing to do with the alleged encroachment of government land by one Sujith S/o Raghunatha

Shetty and he has produced Ex-D2 to D9 which are unconcerned with the Complainant just to take advantage of those documents and to take false defence to save himself from the consequences in this enquiry. DGO has conveniently denied even this suggestion.

37. Considering the evidence adduced on behalf of the disciplinary authority both oral and documentary with reference to the defence evidence adduced by the DGO and defence contention he has taken in his defence evidence, the fact of recovery of tainted notes from his table drawer in his cabin in the Grama Panchayath office, is not seriously disputed or denied on behalf of the DGO. It is his specific defence contention that, the Complainant mischievously slipped Rs. 3000/- in the drawer of his table. Except taking up such a contention in his defence evidence, he has not elaborated explaining the circumstances under which the Complainant slipped money in his table drawer. Even while giving his explanation in writing as per Ex-P5, he has taken up a contention that, the Complainant has kept the money in his table box without his knowledge. The relevant portion of his explanation reads as follows:

“ಆ ದಿನದಂದು ನಾನು ದಿನದ ಕೆಲಸಗಳನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಮಾಡುತ್ತಿದ್ದಾಗ ಸದರಿ ದೂರುದಾರರು ನನಗೆ ಗೊತ್ತಾಗದ ರೀತಿಯಲ್ಲಿ ಹಣವನ್ನು ಟೇಬಲ್ ಬಾಕ್ಸ್ ಅಲ್ಲಿ ಹಾಕಿ ಹೋಗಿರುತ್ತಾರೆ. ಇದು ಅಂದರೆ ಅವರು ಹಣವನ್ನು ಸದ್ರಿ ಬಾಕ್ಸ್‌ನಲ್ಲಿ ಹಾಕಿರುವುದು ನನ್ನ ಗಮನಕ್ಕೆ ಬರದ ರೀತಿಯಲ್ಲಿ ಇಟ್ಟು ಹೋಗಿರುತ್ತಾರೆ. ಸದರಿ ಹಣವನ್ನು ನಾನು ಕೈಯಿಂದ ತೆಗೆದಿರುವುದಿಲ್ಲ ಅಂತಹ ಪ್ರಸಂಗದ ಅಗತ್ಯವೂ ಬರುವುದಿಲ್ಲ. ಅಲ್ಲದೇ ನಾನು ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಸದ್ರಿ ದೂರುದಾರರಿಂದ ಹಣವನ್ನು ಕೇಳಿರುವುದಿಲ್ಲ. ಸದ್ರಿ ದೂರಲ್ಲಿ ವೈಯುಕ್ತಿಕ ದ್ವೇಷದಿಂದ ನನ್ನನ್ನು ಇದರಲ್ಲಿ ಸಿಕ್ಕಿಸಿ ಹಾಕಿರುತ್ತಾರೆ.”

38. As per his written explanation, while he was attending his works by sitting in his cabin, the Complainant kept money in his table drawer

without his knowledge. Therefore, DGO has admitted that, he was very much present in the cabin when the Complainant allegedly put money in his table drawer. But he is pleading his ignorance about the money allegedly put by the Complainant in his table drawer since contending that, without his notice or knowledge the money was put in his table drawer by the Complainant. This defence contention taken by the DGO cannot be accepted for the simple reason that, it is highly impossible that, when a person is working by sitting on his chair in front of his table, some person on coming inside the cabin, put money in his table drawer without his knowledge is unbelievable and such a defence contention taken by the DGO cannot be considered to be plausible explanation.

39. Having regard to the nature of the defence taken by him and the fact of recovery of tainted notes from his table drawer, since not disputed it is to be decided whether the defence contention taken by the DGO is probable and convincing.

40. The Hon'ble Supreme Court in a decision reported in AIR 1968 Page 1292 (Sri S.N. Bose Vs. State of Bihar) have clarified the legal position as to the nature of evidence, an Accused has to produce to prove the contention taken by him by way of his defence and the relevant portion of the observation reads as follows:

“A fact is said to be proved when after considering the matters before it, the Court either believes it to exist or considers its existence was so probable that a prudent man ought under the circumstances of the particular case to act upon the supposition that it exists. The proof given by the accused must satisfy the aforementioned conditions. If it does not satisfy those conditions then he cannot be said to, have proved the contrary. In

Dhanvantrai Balwantrai v. State of Maharashtra(') this Court considered the nature of the proof required to be given by' the accused under s. 4 (I). Wherein this, Court held that the burden resting on the accused person in such a case would not be as light as that placed on him under s. 114 of the Evidence Act and the same cannot be held to be discharged merely by reason of the fact that the explanation offered by him is reasonable and probable. It must further be shown that the explanation is a true one. The words 'unless the contrary is proved' which occur in that provision make it clear that the presumption has to be rebutted by proof and not by a bare explanation which is merely plausible."

41. DGO except his self serving testimony, has not produced any convincing evidence by way of oral and documentary to substantiate his defence contention in this enquiry. Further, I have already discussed at length the defence contention taken by the DGO and disbelieved his defence contention holding that, it is unbelievable. Having regard to the specific defence taken by the DGO in this enquiry, it appears that, in his attempt to explain the fact of availability of tainted notes in his table drawer and recovery of tainted notes from his table drawer, he must have taken such a defence contention which is unbelievable. Therefore, no reliance can be placed on the defence contention taken by the DGO as it is not convincing and fit to be rejected.
42. So far as demand for bribe is concerned, the conversation took place between the complainant and the DGO was recorded by the Complainant on his mobile and the transcription of the said conversation is made available as per Ex-P10(1) wherein, there is a clear demand for bribe by the DGO while talking with the

Complainant. Further, the file pertaining to the Complainant was available with the DGO and the same was seized during the trap proceedings from the possession of the DGO since DGO himself produced the said file. The documents pertaining to the Complainant seized from DGO have been produced as per Ex-P6. Though the DGO has taken up a contention that, he has submitted the file along with his report to the O/o Tahsildar through the Revenue Inspector, the mere fact that, the file pertaining to the Complainant was available with the DGO since was seized from his possession at the time of trap, itself is sufficient to disbelieve the said contention of the DGO that, no work of the Complainant was pending with him. Therefore, considering of the pendency of the work of the Complainant with the DGO and the fact of demand for bribe by the DGO from the Complainant while talking to him on 26.12.2012 which the Complainant has recorded the said conversation on his mobile and also the subsequent recovery of tainted notes from his table drawer are sufficient to conclude that, the DGO in order to do an official act of processing the file pertaining to the Complainant for issuing death certificates of certain deceased members of the family of the Complainant, demanded bribe and received Rs. 3000/- by way of bribe from the Complainant in his cabin on 2.1.2013 in the manner as put forth by the disciplinary authority which was recovered from his table drawer during the trap proceedings. Therefore, I have no hesitation to conclude that, the DGO having demanded bribe from the Complainant received Rs. 3000/- by way of bribe to do an official act, thereby, he has committed an act of misconduct.

43. The learned counsel for the DGO has vehemently argued that, since the DGO has been acquitted by the Spl. Court vide judgment dated 28.11.2018 in Spl. Case No. 16/2014 on the file of III ADJ,

Mangalore, the charges against the DGO has to be held to be not proved and the DGO has to be absolved from the charges leveled against him. In support of his arguments, he relied upon the decision of the Hon'ble Supreme Court in G.M. Tank case, which is subsequently relied upon in S. Bhaskar Reddy's Case The Hon'ble Supreme Court in the decisions cited above, while setting aside the order of dismissal passed against the appellant, made an observation that, if the official has been honorably acquitted in the criminal trial, the disciplinary authority shall take note of that aspect and if the criminal case and departmental proceedings are based on similar facts and evidence and if the trial court acquitted the Government official honorably, then the disciplinary authority considering the grounds on which the trial court acquitted the Government official and on that basis, take a decision as to whether the report of the enquiry officer in a departmental proceedings can be accepted or not and on that basis, can decide whether the charges against the Government official stands proved or not.

44. In pursuance of the Government order issued entrusting the proceedings to Hon'ble Upalokayukta under Section 14-A of KCS(CCA) Rules, a nomination order was issued by the Hon'ble Upalokayukta directing ARE-3 to frame charges and to hold enquiry and to submit a report as to whether the charges framed against the DGO is proved or not. Hence, the enquiry officer has to frame charge and to hold an enquiry and to prepare a report as to whether the evidence adduced on behalf of the disciplinary authority are sufficient to hold that, the charges against the DGO has been established or not. The enquiry officer has to independently consider the evidence made available on behalf of the disciplinary authority during the enquiry, without considering the judgment of the criminal court since, the Hon'ble Supreme Court in a decision

reported in 2012(1) SC 442 (Divisional Controller, KSRTC Vs. M.G. Vittal Rao) observed as follows:

“ Thus there can be no doubt regarding the settled legal proposition that the standard of proof in both the proceedings is quite different and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the **employee in a criminal case cannot be the basis of taking away** the effect of departmental proceedings nor can such an action of the department be termed as double jeopardy. The judgment of this court in Captain M. Paul Antony does not lay down the law of Universal application. Facts, charge and nature of evidence etc., involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.”

45. Even in the decision rendered by the Hon'ble Supreme Court cited on behalf of the DGO in S. Bhaskar Reddy case, the Principle laid down in Paul Anthony case which was based on the judgment in G.M. Tank's case has been relied upon. But, in the decision in M.G. Vittal Rao's case, the Hon'ble Supreme Court made it clear that, Paul Anthony's case does not lay down the law of universal application. Hence such a contention urged on behalf of the DGO cannot be considered in this enquiry.

46. Further, the Hon'ble Supreme Court in the decision reported in 2005(7) SCC 764, Ajit Kumar Nag V/s. General Manager,

“The two proceedings, criminal and departmental are entirely 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.

Termination/quashing of criminal case against an applicant does not ipso facto absolve him from the liability arising under the disciplinary jurisdiction as per service Rules. Hence, there is no illegality in continuation of enquiry against the applicant notwithstanding quashing of the criminal proceedings against the applicant."

47. The Hon'ble Supreme Court in the decision of State of Rajasthan V/s. B.K. Meena.

"The approach and the objectives in the criminal proceedings and the disciplinary proceedings is altogether distinct and different. In the disciplinary proceedings the question is whether the respondent is guilty of such misconduct as would merit his removal from service or a lesser punishment as the case may be, whereas in the criminal proceedings the question is whether the offences referred against him under PC Act (and with IPC if any) are established and if established what sentence should be imposed upon him. The standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are entirely distinct and different."

48. The prayer made on behalf of DGO when considered in the context with the two decisions of the Hon'ble Supreme Court referred to above, the Hon'ble Supreme have held that, the approach and the objectives in the criminal proceedings and the disciplinary proceedings are all together distinct and different and the standard of proof, the mode of enquiry and the rules governing the enquiry

and trial before the Court are entirely distinct and different. Therefore, the order of acquittal passed by the Special Court will not come in the way of this authority, in appreciating the evidence independently, adduced in this enquiry and come to an independent conclusion, regarding the charges framed against the DGO. Moreover, the learned Spl.Judge, giving benefit of doubt to the accused/DGO proceeded to acquit him. The said judgment of acquittal has been challenged on behalf of the State by filing Criminal Appeal No. 1829/2019 and it is pending consideration before Hon'ble High Court of Karnataka, Bengaluru Bench. Therefore, the said judgment of acquittal will not come to the rescue of the DGO while deciding the allegations made against him in this enquiry.

49. Having regard to the discussion made above, I am of the opinion that, the disciplinary authority has proved the allegations against the DGO and accordingly, I hold that charge framed against the DGO, has been established. Hence I answer Point No.1 in the Affirmative.

**Point No.2**

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

**CONCLUSION**

- i) The Disciplinary Authority has proved the charge as framed against the DGO Sri J. Ningappa S/o Neelappa, Village Accountant, Pavooru Village, Dakshina Kannada District.

- ii) As per the first oral statement of DGO and service particulars, Ex-P14 the date of birth of the DGO is 13.07.1988 and his date of retirement is 31.7.2048.

*SR*  
26/2/2020

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

|       |                                                         |
|-------|---------------------------------------------------------|
| 14-1  | Original copy of complaint                              |
| 14-2  | Original copy of first written statement of Complainant |
| 14-3  | Original copy of investigation                          |
| 14-4  | Original copy of retirement particulars                 |
| 14-5  | Original copy of written explanation of DGO             |
| 14-6  | Original copy of investigation                          |
| 14-7  | Original copy of investigation                          |
| 14-8  | Original copy of investigation                          |
| 14-9  | Original copy of investigation                          |
| 14-10 | Original copy of investigation of investigation         |
| 14-11 | Original copy of details of names of respondents        |
| 14-12 | Original copy of FIR                                    |
| 14-13 | Original copy of FIR                                    |
| 14-14 | Original copy of investigation                          |
| 14-15 | Original copy of investigation                          |
| 14-16 | Original copy of investigation                          |
| 14-17 | Original copy of call extract                           |

14 Documents marked as subject of DDO:

|       |                                                          |
|-------|----------------------------------------------------------|
| 14-18 | Original copy of the judgment in 28/11/2014 in Spl. Case |
| 14-19 | Original copy of the order in 28/11/2014 in Spl. Case    |
| 14-20 | Original copy of the order in 28/11/2014 in Spl. Case    |
| 14-21 | Original copy of the order in 28/11/2014 in Spl. Case    |

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

|             |                                                     |
|-------------|-----------------------------------------------------|
| <b>PW-1</b> | Sri Ritesh Rai ( complainant) (original)            |
| <b>PW-2</b> | Sri Krishna Raj (shadow witness) (original)         |
| <b>PW-3</b> | Sri Dileep Kumar (investigation officer) (original) |

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

|             |                                  |
|-------------|----------------------------------|
| <b>DW-1</b> | Sri J. Ningappa (DGO) (Original) |
|-------------|----------------------------------|

**III Documents marked on behalf of D.A.**


|                   |                                                            |
|-------------------|------------------------------------------------------------|
| <b>Ex.P-1</b>     | Certified copy of complaint                                |
| <b>Ex.P-2</b>     | Certified copy of sheet containing slnos of Currency notes |
| <b>Ex.P-3</b>     | Certified copy of Photographs                              |
| <b>Ex.P-4</b>     | Certified copy of entrustment mahazar                      |
| <b>Ex.P-5</b>     | Certified copy of written explanation of DGO               |
| <b>Ex.P-6</b>     | Certified copy of record seized                            |
| <b>Ex.P-7</b>     | Certified copy of Photographs                              |
| <b>Ex.P-8</b>     | Certified copy of rough sketch                             |
| <b>Ex.P-9</b>     | Certified copy of trap mahazar                             |
| <b>Ex.P-10</b>    | Certified copy of transcription of conversation            |
| <b>Ex.P-11</b>    | Certified copy of sketch of scene of occurrence            |
| <b>Ex.P-12</b>    | Certified copy of FIR                                      |
| <b>Ex.P-13</b>    | Certified copy of FSL                                      |
| <b>Ex.P-14</b>    | Certified copy of service particulars                      |
| <b>Ex.P-15-16</b> | Certified copy of records seized by IO                     |
| <b>Ex.P-17</b>    | Certified copy of call extract                             |

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

|              |                                                                                                                           |
|--------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>Ex-D1</b> | certified copy of the Judgment dt.28/11/2018 in Spl. Case No.16/2014 on the file of IIIrd A.D.J and Spl. Court, Mangalore |
| <b>Ex-D2</b> | certified copy of the report dt.28/11/2012 submitted by me to the Revenue Inspector                                       |
| <b>Ex-D3</b> | certified copy of the report dt.08/07/2013 submitted by the                                                               |

|              |                                                                                                                                |
|--------------|--------------------------------------------------------------------------------------------------------------------------------|
|              | surveyor                                                                                                                       |
| <b>Ex-D4</b> | certified copy of the survey sketch prepared by the surveyor                                                                   |
| <b>Ex-D5</b> | certified copy of the application filed by the villagers of Pavuru village to the Tahasildar dt.05/11/2012                     |
| <b>Ex-D6</b> | certified copy of the letter of the Dy. Commissioner, Mangalore dt.26/12/2012 to Tahasildar                                    |
| <b>Ex-D7</b> | certified copy of the objection filed by Pavuru villagers to the Dy. Commissioner dt.03/12/2012                                |
| <b>Ex-D8</b> | certified copy of the mahazar prepared by DGO and the Revenue Inspector dt.29/11/2012                                          |
| <b>Ex-D9</b> | certified copy of the acknowledgment issued from the office of the Revenue Inspector for receiving various files on 22/11/2012 |

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



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