

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/494/2011

ENQUIRY REPORT Dated: 15/03/2017

Enquiry Officer: V.G.Bopaiah  
Additional Registrar  
Enquiries-11  
Karnataka Lokayukta  
Bengaluru.

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Delinquent Government Official: Dr.Yogendranath Parappa  
Annigeri

Discharged duties as Medical  
Officer, Community Health  
Centre(Samudaya Arogya  
Kendra), Kittur, Belgavi  
District from the month of  
December 2004 to July 2009.

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1. Delinquent Government Official Dr. Yogendranath Parappa Annigeri was working as Chief Medical Officer attached to Community Health Centre, Kittur from the month of December 2004 to July 2009. As per Government Order No. ಅಕುಕ ಎಂ ಎಸ್ ಎ 2009, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 04/02/2014 DGO is dismissed from service subject to the Judgment in Criminal Appeal number 2600/2013 pending before Hon'ble High Court of Karnataka Dharwad Bench.
2. Facts which necessitated for initiating the present inquiry proceedings may be stated in brief. One Lakshmi is the daughter-in-law of the complainant by name Basavantha Yelleppa Betagar resident of Nayat hegura village, Bailahongala Taluk, Belagavi district. According to the complainant, he got

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admitted Lakshmi in Community Health Centre, Kittur on 29/06/2009 for delivery. Lakshmi delivered child in the morning hours on 30/06/2009. According to the complainant, when he approached DGO to get admitted Lakshmi in the above hospital DGO demanded illegal gratification of Rs.3,000/-. Without any alternative the complainant paid a sum Rs.500/- to DGO on 29/06/2009 and got admitted Lakshmi. Since DGO demanded balance of Rs.2,500/- the complainant thought of setting law into motion. Accordingly, the complainant lodged complaint on 03/07/2009 at 12.00 noon with the Police Inspector (hereinafter will be referred to as "Investigating Officer") attached Lokayukta Police Station, Belagavi. On the basis of the said complaint, the Investigating Officer registered case against the DGO in crime number 10/2009 of Lokayukta Police Station Belagavi for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and submitted FIR to the Special Court, Belagavi. The Investigating Officer secured shadow witness by name Nagappa Mallappa Balavadi and panch witness by name Mahesha Ramappa Sanadi to Lokayukta Police Station, Belagavi. The complainant placed one currency note of denomination of Rs.1000/- , two currency notes of denomination of Rs.500/- each and five currency notes of denomination of Rs.100/- each and thus in all a sum of Rs.2,500/- before the Investigating Officer. The Investigating Officer got entered numbers of above notes on a sheet of paper through the above witnesses and got applied phenolphthalein powder on the above notes through his staff. The Investigating Officer got prepared solution with water and sodium carbonate powder and obtained sample of the said

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solution in a bottle. On the instructions of the Investigating Officer, the panch witness placed the tainted notes in the left side pocket of shirt of the complainant. Thereafter, the panch witness immersed fingers of hands in the residual solution. The said solution turned to pink colour. The Investigating Officer seized the said solution in a bottle. The Investigating Officer instructed the complainant to approach the DGO and to give tainted notes to DGO only in case of demand by the DGO and informed the complainant to remove the turban in case of acceptance of tainted notes by DGO. The Investigating Officer instructed the shadow witness to accompany the complainant and to observe what transpires between the complainant and DGO. With that process the Investigating Officer conducted pre-trap mahazar as primitive step of investigation. Thereafter, the Investigating Officer along with his staff, complainant and the above witnesses reached near the Community Health Centre, Kittur at 2.50 P.M. Afterwards, the complainant and shadow witness along with the son-in-law of the complainant went to the above hospital. Since many number of patients were found gathered the complainant and shadow witness could not enter inside. After waiting for about fifteen minutes the complainant entered the chamber of DGO where DGO demanded payment of Rs.2,500/-. The complainant gave the tainted notes to DGO. The DGO accepted tainted notes with right hand and after counting with both hands placed those notes in the left side pocket of shirt at which point of time shadow witness and son-in-law of the complainant were watching near the door of the chamber of DGO. Afterwards, the complainant came out of the said room and communicated by removing the turban. It was then about 3.15 P.M. Afterwards, the Investigating Officer, his

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staff and panch witness entered the chamber of DGO where the complainant pointed out the DGO and expressed that DGO demanded and accepted cash of Rs.2,500/- by way of illegal gratification. The Investigating Officer disclosed his identity to DGO and thereafter got prepared solution with water and sodium carbonate powder in two containers. On the instructions of the Investigating Officer the DGO immersed fingers of his right hand in the solution kept in a container and immersed fingers of left hand kept in another container. Finger wash of right hand of DGO turned to light pink colour. Finger wash of left hand of DGO turned to pink colour. The Investigating Officer seized the said wash separately in two bottles. On being questioned by the Investigating Officer about tainted notes, the DGO took out those notes from the left side pocket of shirt. The Investigating Officer seized those tainted notes. On being questioned by the Investigating Officer about the possession of tainted notes the DGO offered explanation in writing in which the DGO stated that when he examined Lakshmi on 29/06/2009 he noticed contents of haemoglobin at four percent and asked to shift Lakshmi to Civil hospital Belagavi for transfusion of blood and for further treatment for which Lakshmi has not agreed for want of sufficient funds and requested to manage in Community Health Centre, Kittur and therefore provided medicine at the cost of Rs.2,500/- from outside since the required medicine was not available in that hospital. It is stated further that DGO received cash of Rs.2,500/- spent by him towards medicine and thus denied the alleged demand and acceptance of bribe amount. The said explanation of DGO was found not satisfactory and acceptable. The Investigating Officer secured the records pertaining to the

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Officer of Community Health Centre at Kitturu in Bailhongal Taluk of Belgaum District, and on 29/06/2009 Smt. Lakshmi, eldest daughter-in-law of the complainant viz., Sri. Basavanth Yallappa Betgar r/o Naithegur in Bailhongal Taluk was admitted to the said Hospital as she was having delivery pain and then you asked the complainant for bribe of ₹ 3000/- to admit Smt. Lakshmi to the Hospital and received ₹ 500/- and on that day, a child was delivered and expired in the morning on 30/06/2009 and still you asked for payment of balance bribe of ₹ 2500/- and on 03/07/2009 received the said bribe amount from the complainant, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed mis-conduct as enumerated U/R Rule 3 (1)(i) to (iii) of The Karnataka Civil Service (Conduct) Rules, 1966.

#### ANNEXURE-II

#### STATEMENT OF IMPUTATIONS OF MISCONDUCT

The complainant namely Sri. Basavanth Yallappa Betgar is the r/o Naithegur in Bailhongal Taluk of Belgaum District. His eldest daughter - in-law viz., Smt. Lakshmi w/o his eldest son Sri. Kallappa was getting delivery pain. Therefore, on 29/06/2009, Smt. Lakshmi was taken to Community Health Centre at Kittur. While admitting Smt. Lakshmi to the Hospital the DGO

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asked the complainant to pay bribe of ₹ 3000/- for admission in the said Hospital. Due to compulsion, the complainant paid ₹ 500/- at the time of admission of Smt. Lakshmi to the Hospital. Smt. Lakshmi delivered a child and the child expired in the morning of 30/06/2009. Still the DGO insisted the complainant to pay balance bribe of ₹ 2500/-. The complainant was not willing to pay the balance demanded by the DGO. Therefore, on 03/07/2009, the complainant lodged a complaint before the Lokayukta Police Inspector of Belgaum (herein after referred to as the Investigating Officer, for short, "the I.O"). The I.O. registered the complaint in Cr. No.10/2009 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the said crime, when the tainted amount of ₹ 2500/- was given by the complainant to the DGO, the IO trapped the DGO on 21/05/20103/07/20090 in the presence of the complainant, the Panch witnesses and his staff in the said CHC at Kittur and seized the tainted amount from the DGO under Mahazar after following post-trap formalities. The I.O took statement of the DGO in writing and recorded statements of the complainant, the panch witnesses and others. After receiving report of the chemical examiner, the I.O submitted report of investigation. The facts and materials on the record of investigation of the I.O. prima facie showed that,

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daughter-in-law of complainant and after obtaining xerox copies of sheets of those records got those sheets attested through the Health Officer Dr. Ashoka. Y. Badapagola and seized those copies. The Investigating Officer provided alternate shirt to DGO and after getting removed the shirt got washed the left side pocket of shirt in separate solution. The said wash turned to pink colour. The Investigating Officer seized the said wash in a bottle and also seized the shirt of the DGO. The Investigating Officer conducted trap mahazar in the said hospital and thereafter, after observing formalities of arrest caused arrest of DGO. On the directions of the Investigating Officer, his staff produced the DGO in the Home Office of Special Judge at Belagavi on that night. Further investigation conducted by the Investigating Officer disclosed prima facie case against the DGO and on completion of investigation obtained sanction for prosecution of DGO through his superior officer and thereafter filed charge sheet before the jurisdictional Court at Belagavi.

3. On the basis of the report Additional Director General of Police, Karnataka Lokayukta enclosed with report of the Police Inspector attached to Lokayukta Police Station, Belagavi, Hon'ble Upalokayukta-1, Karnataka in exercise of powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984 took up investigation and arrived at conclusion that materials on record prima facie disclosed that DGO has committed misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966 and in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule

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14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules 1957.

4. Subsequent to report dated 03/11/2011 under section 12(3) of The Karnataka Lokayukta 1984 Government Order bearing number ಅಕುಕ 216 ಎಂಎಸ್‌ಎ 2009 ಬೆಂಗಳೂರು ದಿನಾಂಕ 21/11/2011 has been issued by the Under Secretary to Government of Karnataka, Department of Health and Family Welfare Services entrusting the inquiry to Hon'ble Upalokayukta Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules 1957. Subsequently, Corrigendum bearing number ಅಕುಕ 216 ಎಂಎಸ್‌ಎ 2009 ಬೆಂಗಳೂರು ದಿನಾಂಕ 22/12/2011 has been issued by the Under Secretary to Government of Karnataka, Department of Health and Family Welfare Services to incorporate the date "03/07/2009" as date of demand and acceptance of balance of cash of Rs.2,500/-.
5. Subsequent to the Government Order and Corrigendum, Order number LOK/INQ/14-A/ 494/2011 Bengaluru dated 30/12/2011 has been ordered by the Hon'ble Upalokayukta-1 Karnataka nominating the Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
6. Articles of charge at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed 29/03/2012 by the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengalur is the following:

"ANNEXURE-I

CHARGE:

2. That, you Dr. Yogendranath Parappa Annigeri, the DGO, while working as Chief Medical

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the DGO being a Government servant failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant. Therefore, a suo-moto investigation was taken up U/s 7(2) of the Karnataka Lokayukta Act and an observation note was sent to the DGO calling for his explanation. The DGO submitted his reply and the reply was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima-facie showed that the DGO has committed mis-conduct as per Rule 3 (1)(i)&(iii) of KCS (Conduct) Rules, 1966, a report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry to the Hon'ble Upalokayukta U/R 14-A of the Karnataka Civil Services (Classification, Control and Appeal) 1957. Accordingly the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry u/R 14-A of the KCS (CCA) Rules 1957 to the Hon'ble Upalokayukta. Hence, this charge".

7. In response to due service of articles of charge DGO entered appearance before the Additional Registrar Enquiries-4, Karnataka Lokayukta, Bengaluru on 03/05/2012 on which day when first oral statement of DGO was recorded he pleaded not guilty. Subsequently, DGO has engaged advocate for defence.

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8. In the course of written statement filed on 30/10/2012 by DGO while denying the alleged charge has contended that he is facing trial in the charge sheet filed before the Principal District and Sessions Judge, Bengaluru and therefore there is no need to conduct parallel departmental enquiry on the similar set of charges. It is contended that DGO never demanded and accepted bribe amount either before trap or during trap and that he has given statement explaining the circumstances before the Investigating Officer.

9. As per order number LOK/INQ/14-A/ 2014 dated 14/03/2014 of the Hon'ble Upalokayukta-1, Karnataka this file has been transferred Additional Registrar Enquiries-5, Karnataka Lokayukta, Bengaluru.

10. When the matter was pending with Additional Registrar Enquiries-5, Karnataka Lokayukta, Bengaluru, the disciplinary authority has examined the complainant as PW1, shadow witness as PW2 and panch witness as PW3. During evidence of PW1, attested copy of his complaint in a single sheet is marked as per Ex P1, his signature found on Ex P1 is marked as per Ex P1(a), attested copy of pre-trap mahazar dated 03/07/2009 in four sheets is marked as per Ex P2, his signature found on Ex P2 is marked as per Ex P2(a), attested copy of trap mahazar dated 03/07/2009 in seven sheets is marked as per Ex P3, his signature found on Ex P3 is marked as per Ex P3(a), attested copy of documents totally consisting of twenty five sheets are together marked as per Ex P4, attested copy of statement dated 04/07/2009 in seven sheets recorded by the Investigating Officer under section 162 of the Code of Criminal Procedure is marked as per Ex P5. During evidence of PW2 his signature found on Ex P2 is marked as

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per Ex P2(b), his signature found on Ex P3 is marked as per Ex P3(b), attested copy of statement dated 03/07/2009 in a single sheet of DGO is marked as per Ex P6, signature of PW2 found on Ex P6 is marked as per Ex P6(a). During evidence of PW3 his signature found on Ex P6 is marked as per Ex P6(b), his signature found on Ex P2 is marked as per Ex P2(c), his signature found on Ex P4 is marked as per Ex P4(a), xerox copy of sketch in a single sheet drawn on 03/07/2009 by the Investigating Officer in Community Health Centre, Kittur is marked as per Ex P7, the place where PW3 was standing at the time of the alleged trap is marked as Ex P7(a).

11. As per Order number UPLOK-1/DE/2016, Bengaluru dated 03/08/2016 of Hon'ble Upalokayukta-1 this file has been transferred to this section i.e., Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru.

12. Government Order bearing number ಅಕುಕ ಎಂಎಸ್‌ಎ 2009, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 04/02/2014 has been received in which it is ordered that DGO is dismissed from service subject to the Judgment in Criminal Appeal number 2600/2013 pending before Hon'ble High Court of Karnataka Dharwad Bench.

13. After transfer of file to this section the disciplinary authority has examined the Investigating Officer by name R.K. Patil is examined as PW4. During his evidence, attested copy of FIR in single sheet in crime number 10/2009 of Lokayukta Police Station, Belagavi is marked as per Ex P8, attested copy of report dated 24/07/2009 in two sheets of the Assistant Chemical Examiner, Public Health Institute, Benngaluru is marked as per Ex P9, attested copy of letter dated 07/06/2010 in a single sheet addressed to the Investigating Officer by the District Health and Family Welfare

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Services Officer, Belagavi is marked as per Ex P10, attested copies of enclosures totally consisting of seventeen sheets are marked as per Exs P10(a) to P10(q). During evidence of PW4 when I perused Ex P4 marked during evidence of PW1 before the Additional Registrar, Enquiries-5 there was no clarity of nature of Ex P4. After having gone through Ex P4 which is totally consisting of twenty five sheets it is noticed that sheet numbers 1 and 2 of Ex P4 are attested copies of attendance register maintained in Community Health Centre Kittur, sheet numbers 3 and 4 are attested copies of out-patient register, sheet numbers 5 and 6 are the attested copies of attendance register of the staff attached to Community Health Centre, Kittur, sheets numbers 7 to 9 are the attested copies of out-patient registration book, sheet numbers 10 and 11 are the attested copies of register touching registration of birth of children, sheet number 12 is the attested copy of outpatient chit, sheet number 13 is the attested copy of ration card, sheet numbers 14 to 18 are the attested copy of attendance register of the staff attached to Community Health Centre, Kittur, sheet numbers 19 to 25 are the attested copies of outpatient register maintained in Community Health Centre, Kittur.

14. During second oral statement of DGO recorded on 13/04/2017 he has stated that he will get himself examined as defence witness and that he does not intend to examine any other witness.

15. During defence statement filed by DGO on 06/06/2017, the DGO while denying the alleged charge has contended that on 23/05/2009 Lakshmi had come to the above hospital and on examination of blood it was noticed that instead of the

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standard of haemoglobin ranging between 14 to 15 grams the said quantity was noticed at 5 grams and therefore he advised for transfusion of blood in District Hospital and thereafter Lakshmi left the said hospital. Again on 29/06/2009 Lakshmi got admitted and quantity of haemoglobin was found at 4.3 grams and therefore, since blood was not at stock Lakshmi was advised to get blood from blood bank and despite the same Lakshmi has not heeded to the said advise. It is contended that on 01/07/2009 Lakshmi delivered child which was found dead. It is contended that in order to save Lakshmi DGO advised for blood transfusion and since blood was not available in that hospital the complainant left the hospital to get blood from outside. It is contended that on 03/07/2009 the complainant expressed that blood was not available outside and accordingly asked the DGO to get blood from outside and forcibly thrust cash in the pocket of DGO. It is contended that immediately thereafter DGO while in the process of returning the said cash he was apprehended by Lokayukta Police staff and thereafter his statement in writing was obtained by force. It is thus contended that he neither demanded bribe amount of Rs.3,000/- nor accepted part payment of Rs.500/- and also the alleged balance of Rs.2,500/-.

16. DGO got himself examined as DW1. During his evidence attested copy of blood report in two sheets is marked as per Ex D1, attested copy of summery sheet of admission totally consisting of seventeen sheets assured by Belagavi Institute of Medical Sciences, District Hospital, Belagavi is marked as per Ex D2.

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17. In the course of written argument filed by the Presenting Officer on 17/02/2018 it is mainly contended that evidence of shadow witness establishes the alleged demand and acceptance and evidence of PW4 equally establishes the charge.

18. In the course written argument filed by DGO on 17/02/2018 it is contended that DGO may put defence even on the principals of preponderance of probabilities. It is contended that pre-trap proceedings will not assume importance. It is contended that without ascertaining facts and circumstances of the case PW4 has registered false case. It is contended that in the decision in Raghbir Singh V/S State of Haryana reported in AIR 1974 SC Page 1516 law is laid down that laying of trap may be part of investigation when case is already registered but it cannot be part of investigation to find out whether offence is going to be committed or not. It is contended that PWs 1 to 3 have not supported the case. It is contended that evidence of PW4 during cross examination would show that the son-in-law of the complainant was also present throughout the proceedings and that the complainant alone entered the hospital. It is contended that evidence of DGO rebuts with presumption available under the Prevention of Corruption Act, 1988. Decision in Chironjilal V/S State of Madhya Pradesh reported in 2008 Criminal Law journal 1784 and the decision in Chakravarthy V/S State of Karnataka by Koramangala Police reported in ILR 2001 Karnataka Page 3203 are relied upon on behalf of DGO.

19. In tune with the articles of charge at Annexure-I point which arises for consideration is whether in order to extend

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official favour to the complainant i.e., in the matter of delivery process of Lakshmi, DGO who was working as Chief Medical Officer in Community Health Centre, Kittur demanded illegal gratification of Rs.3,000/- from the complainant 30/0/2009 and accepted a sum of Rs.500/- from the complaint towards part of illegal gratification and again, on 03/07/2009 between 2.50 P.M. and 3.15 P.M. demanded and accepted illegal gratification of Rs.2,500/- from the complainant in the chamber of DGO in Community Health Centre, Kittur and during investigation DGO failed to offer satisfactory explanation before the Investigating Officer for possession of tainted cash of Rs.2500/- and thereby DGO is guilty of misconduct within the purview of Rule3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

20. The complainant has stated during evidence that DGO was not working as Medical Officer at the time of delivery and that he has not lodged complaint against the DGO. He has not supported either pre-trap mahazar or the proceedings of trap mahazar. He has thus turned hostile and not supported his own cause for the reasons well within his knowledge. His evidence does not incriminate the DGO.

21. Evidence of PW2 who is the shadow witness would show that he appeared before the Investigating Officer on 03/07/2009. He has stated during evidence that the complainant produced cash of Rs.2,500/- and thereafter Lokayukta Police staff applied powder on those notes and afterwards the panch witness handed over those notes to the complainant and subsequently when the panch witness washed fingers of hands in the solution the said solution turned to pink colour and with that process the Investigating

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Officer conducted pre-trap mahazar the attested copy of which is at Ex P2. His evidence touching pre-trap proceedings is not under serious challenge and therefore that portion of his evidence touching pre-trap mahazar needs acceptance.

22. PW3 who is the panch witness has stated during evidence that powder was applied on the cash of Rs.2,500/- and thereafter he handled those notes and afterwards PW2 handed over those notes to the complainant. This portion of his evidence though is not in full conformity with the evidence of PW2 it is in his evidence that his hand wash in the solution turned to pink colour and with the process the I.O. conducted pre-trap mahazar. Suggestion made to him during his cross examination suggesting that pre-trap mahazar has not been conducted has been denied by him. His evidence touching pre-trap proceedings cannot be disbelieved.

23. Evidence of PW4 that on the basis of the complaint filed before him by the complainant at 12.00 P.M. on 03/07/2009 he registered the case in crime number 10/2009 against the DGO for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and thereafter submitted FIR to the jurisdictional Court at Belagavi has not been assailed during his cross examination. His evidence that he secured the shadow witness and panch witness is not under challenge. His evidence that the complainant produced total cash of Rs.2,500/- and after noting numbers of currency notes he got applied phenolphthalein powder on those notes and afterwards he got those notes placed in the left side pocket of

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shirt of the complainant through the panch witness is not under challenge. His evidence that thereafter when the panch witness washed fingers of hands in the solution prepared with water and sodium carbonate powder the said wash turned to pink colour and with that process he conducted pre-trap mahazar is equally not under challenge and thus, his evidence coupled with the evidence of PWs 2 and 3 establishes that as primitive step of investigation pre-trap mahazar has been conducted.

24. It is in the evidence of PW2 that subsequent to pre-trap proceedings the complainant entered the chamber of DGO and that he along with the son-in-law of the complainant stood near the door of the chamber of DGO. It is in his evidence that DGO asked the complainant whether money is brought or not and in response the complainant gave cash of Rs.2,500/- and afterwards came out of the chamber of DGO and offered signal to the Police staff. He has not fully supported and turned hostile. Though it is brought out during cross examination of PW2 on behalf of DGO that son-in-law of the complainant made known the aspects to Lokayukta Police and that contents of complaint are written by the son-in-law of the complainant it needs to be remembered at this juncture that it is not the say of PW2 during his examination-in-chief that the complaint was written by the son-in-law of the complainant in his presence and therefore that portion of answer elicited during cross examination of PW2 will not lend support to the defence. It is brought out during his cross examination on behalf of DGO that after his entry to the chamber of DGO Group-D official closed the door. He further states during cross examination

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on behalf of DGO that the conversation inside the chamber of DGO was not clearly audible. These answers elicited on behalf of DGO during his cross examination though would show that he has not either seen demand and acceptance or heard anything touching demand and acceptance his evidence in cross examination would show that the complainant remained in the chamber of DGO for about 10 to 15 minutes. There is no explanation by DGO touching the presence of the complainant inside the chamber for about 10 to 15 minutes. Evidence of PW2 that after the entry of Lokayukta Police staff to the above hospital the complainant told that amount is paid to the DGO has not been assailed during his cross examination which portion of his evidence would show that the complainant paid tainted notes to the DGO. Evidence of PW2 that finger wash of both hands of DGO turned to pink colour is not under challenge which is suggestive of acceptance of tainted notes. He has spoken to that DGO give statement in writing the attested copy of which is at Ex P6 in which DGO has stated that DGO received amount not as bribe but towards treatment. When subjected to cross examination by the Presenting Officer after treating him hostile he admits that pocket wash of shirt of DGO turned into pink colour which portion of his evidence has not been assailed during his cross examination. His evidence thus establishes seizure of tainted notes from the possession of DGO.

25. Evidence of PW3 would show that after the signal of complainant he along with Lokayukta Police staff entered the chamber of DGO where the Investigating Officer disclosed identity. This portion of his evidence is not under challenge.

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Evidence of PW3 touching change of colour of finger wash of hands of DGO is also not under challenge. This portion of evidence of PW3 is suggestive of the fact that DGO came in contact with tainted notes and therefore there was change of colour of finger wash of hands of DGO. Evidence of PW3 that DGO took out cash from the left side of pocket of shirt is also not under challenge which portion of his evidence establishes that DGO was possessed of tainted notes. Evidence of PW3 that the complainant told that DGO received cash of Rs.2,500/- by way of demand though has been challenged during cross examination on behalf of DGO by posing suggestion to the contrary the said suggestion has been denied. Evidence of PW3 that PW2 equally has stated that DGO received cash from the complainant by way of demand has not been assailed during his cross examination. This portion of his unchallenged evidence further incriminates the DGO. Evidence of PW2 that pocket wash of shirt of DGO turned to pink colour is also not under challenge. His evidence touching trap proceedings though has been challenged during his cross examination answers elicited touching the same during his cross examination are not worthy to discredit his testimony. Thus, evidence of PW3 establishes seizure of tainted amount from the possession of DGO.

26. Evidence of PW4 would show that on the day of trap at 3.15 P.M. after message communicated by the complainant he along with trap witness and his staff entered the chamber of DGO where the complainant pointed out the DGO and informed that cash is paid to DGO. This portion of his evidence is not under serious challenge and therefore it

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stands established that the complainant told PW4 that DGO received tainted money. During cross examination though PW4 states that the son-in-law of the complainant was very much present with the complainant and wrote the complaint that portion of his evidence will not discredit the credibility of the contents of complaint. Though it is brought out during cross examination of PW4 that the complainant told him that since there was queue in the hospital the complainant alone entered inside, the evidence of shadow witness as discussed earlier is convincing touching the purpose for which the complainant entered the chamber of DGO.

27. Evidence of PW4 touching change of colour of finger wash of both hands of DGO, change of colour of wash of shirt of DGO, production of cash of Rs.2,500/- by DGO is not under change. Thus, evidence of PW4 establishes seizure of tainted notes. PW4 has spoken to seizure of records at Ex P4. Suggestion made to PW4 that in order to screen the reality he has withheld the cassette has been denied by him. During cross examination of PW4 suggestion made to him suggesting that information was given to get blood from outside has been denied by him.

28. It is the evidence of DGO that since the quantity of haemoglobin was in the lower side he had instructed to move to District hospital, Belagavi and in response Lakshmi requested to attend the delivery in Community Health Centre, Kittur stating that blood will be secured from outside. It is his evidence that on 01/07/2009 child was born dead. He is thus specific that the child was dead in the womb. This portion of his evidence is not forthcoming in the written statement filed on 31/10/12. During evidence DGO has

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stated that on 03/07/2009 the complainant approached him and when he asked whether blood is brought or not the complainant placed cash of Rs.2,500/-in the left side pocket of shirt and at that time he returned the said cash and immediately thereafter he was apprehended by the Lokayukta staff. This portion of his evidence is reiterated by him in paragraph number five of defence statement filed on 06/06/2017. The said portion of his evidence and also defence set out in paragraph number five of defence statement cannot be accepted for the reason that the same was not urged at the earliest point of time i.e., during written statement filed on 30/10/2012. The above portion of his evidence needs to be characterised as afterthought to suit the convenience of defence.

29. Suggestion is made to PW4 during cross examination suggesting that true state of affairs are unfolded in the course of statement in writing of DGO. Ex P6 is the attested copy of statement of DGO. Upon perusal of the said tenor of the said suggestion it can be gathered that according to DGO contents of Ex P6 are true and correct. DGO has contradicted the said defence as could be seen form paragraph number six of statement of defence filed on 06/06/2017. It is stated in paragraph number six of statement of defence that Ex P6 has been obtained by force. It is found stated by DGO in paragraph number three of his evidence that his statement has been obtained by force. Thus, it quite apparent that defence itself is contradictory.

30. During examination-in-chief DGO has stated that the child was born dead. He has contradicted that portion of his evidence during cross examination that delivery was normal

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delivery. Here also contradictory version is forthcoming which discredits the defence as put forward during examination-in-chief. During cross examination he admits seizure of tainted money which establishes that he was possessed of tainted amount.

31. Opening page of Ex P10 dated 07/06/2010 which is the attested copy of letter of District Health and Family Welfare Officer Belagavi addressed to PW4 would show that there was sufficient balance in Community Health Centre Kittur and that medicine was being sufficiently supplied by the Government. It is also seen in Ex P10 that in case patient is poor, then, blood has to be purchased out of "Arogya Raksha Samithi" of Government hospital. This would show that there was no need for DGO to ask either Lakshmi or the complainant to get medicine from outside. Therefore, contention put forward by DGO that he received cash of Rs.2,500/- towards the amount spent by him for medicine will have to necessarily rest on the ground. Exs D1 and D2 will not lend support to the defence in the presence of Ex P10.

32. In the decision reported in ILR 2001 Karnataka page 3203 law is laid down that mere marking of panchanama does not dispense with proof of its contents. Evidence of PWs 2 to 4 when appreciated would show that their evidence is almost in conformity with the contents of trap mahazar and therefore law laid down in the said decision will not lend support to the defence. It is well settled that in a charge for the offences punishable under section 7 and 13(2) of The Prevention of Corruption Act, 1988 the prosecution has to establish the charge beyond reasonable doubt. It is also well settled that in order to sustain charge for the offence

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punishable under section 7 of The Prevention of Corruption Act, 1988 there must be evidence to establish demand and acceptance of illegal gratification in order to extend official favour. It is also well settled that evidence of the complainant must be corroborated by the evidence of shadow witness in all material particulars and in the absence of the same the accused cannot be found guilty. In the case on hand, the disciplinary authority is not expected to establish the charge beyond reasonable doubt. While appreciating evidence in the inquiry of this nature yardstick of preponderance of probabilities has to be applied. Keeping in this mind when the evidence is appreciated it stands established that without any lawful excuse DGO demanded and accepted illegal gratification of Rs.2,500/- on the day of trap. Since law is laid down touching the offence punishable under section 7 and offence defined under section 13(1) (d) of The Prevention of Corruption Act, 1988 in the decision reported in 2008 Criminal Law Journal page 1784, law laid down in the said decision will not lend support to the DGO.

33. To sum up, seizure of tainted cash of Rs.2,500/- at the time of trap from the possession of DGO stands established. His defence by way of offering explanation touching possession of tainted money is not worthy of acceptance. Failure to offer satisfactory explanation for possession of unaccounted cash by DGO amounts to act of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.

34. In so far as payment of a sum of Rs.500/- as alleged in the complaint earlier to trap is concerned, there is no evidence to attract the said charge and therefore the said

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portion of charge has remained not established. The second limb of charge that in order to extend official favour to the complainant, the DGO demanded and accepted illegal gratification of Rs.2,500/- from the complainant between 2.50 P.M. and 3.15 P.M. in his chamber attached to Community Health Centre, Kittur on 03/07/2009 stands established and being of this view I proceed with the following:

#### R E P O R T

Charge against DGO Dr. Yogendranath Parappa Annigeri that in order to extend official favour to the complainant i.e., in the matter of delivery process of Lakshmi, the DGO who was working as Chief Medical Officer in Community Health Centre, Kittur accepted part of illegal gratification of Rs.500/- from the complainant earlier to 30/07/2009 is not proved.

Second part of charge against DGO that in the matter of delivery process of Lakshmi DGO who was working as Chief Medical Officer in Community Health Centre Kittur demanded and accepted illegal gratification of Rs.2,500/- from the complainant in the chamber of DGO in Community Health Centre Kittur on 03/07/2009 between 2.50 P.M. and 3.15 P.M. and during investigation DGO failed to offer satisfactory explanation before the Investigating Officer for possession of tainted cash of Rs.2,500/- and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

As per Government Order No. ಅಕುಕ ಎಂ ಎಸ್ ಎ 2009, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 04/02/2014 DGO is dismissed from service subject to the Judgment in Criminal Appeal number 2600/2013 pending before Hon'ble High Court of Karnataka Dharwad Bench.

 15.2.2018



Submit this report to the Hon'ble Upalokayukta-1, Karnataka in a sealed cover forthwith along with connected records.

  
(V.G. BOPALIAH)

Additional Registrar, Enquiries-11,  
Karnataka Lokayukta, Bengaluru.

### ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:-	Sri. Basavantha
PW2:-	Sri. Nagappa
PW3:-	Sri. Mahesh
PW4:-	Sri. R.K. Patil

List of witnesses examined on behalf DGO:-

DW 1:-	Dr. Yogendranath Parappa Annigeri (DGO)
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List of documents marked on behalf of Disciplinary Authority:-

- Ex P1 Attested copy of his complaint in a single sheet  
Ex P1(a) Signature of PW1 found on Ex P1
- Ex P2 Attested copy of pre-trap mahazar dated 03/07/2009 in four sheets  
Ex P2(a) Signature of PW1 found on Ex P2  
Ex P2(b) Signature of PW2 found on Ex P2  
Signature of PW3 found on Ex P2
- Ex P3 Attested copy of trap mahazar dated 03/07/2009 in seven sheets  
Ex P3(a) Signature of PW1 found on Ex P3  
Ex P3(b) Signature of PW2 found on Ex P3
- Ex P4 Attested copy of documents totally consisting of twenty five sheets
- Ex P5 Attested copy of statement dated 04/07/2009 in seven sheets recorded by the Investigating Officer under section 162 of the Code of Criminal Procedure

6. Ex P6 Attested copy of statement dated 03/07/2009 in a single sheet of DGO  
Ex P6(a) Signature of PW2 found on Ex P6  
Ex P6(b) Signature PW3 found on Ex P6
7. Ex P7 Xerox copy of sketch in a single sheet drawn on 03/07/2009 by the Investigating Officer in Community Health Centre, Kittur  
Ex P7(a) Place where PW3 was standing at the time of the alleged trap.
8. Ex P8 Attested copy of FIR in single sheet in crime number 10/2009 of Lokayukta Police Station, Belagavi
9. Ex P 9 Attested copy of report dated 24/07/2009 in two sheets of the Assistant Chemical Examiner, Public Health Institute, Benngaluru
10. Ex P10 Attested copy of letter dated 07/06/2010 in a single sheet addressed to the Investigating Officer by the District Health and Family Welfare Services Officer, Belagavi  
Exs P10(a) to P10(q) Attested copies of enclosures totally consisting of seventeen sheets are marked as per Exs P10(a) to P10(q).

List of documents marked on behalf of DGO :-

1. Ex D1 Attested copy of blood report in two sheets
2. Ex D2 Attested copy of summery sheet of admission totally consisting of seventeen sheets assured by Belagavi Institute of Medical Sciences, District Hospital, Belagavi

 15-3-2018  
(V.G. BOPALIAH)

Additional Registrar, Enquiries-11,  
Karnataka Lokayukta, Bengaluru.

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: LOK/INQ/14-A/494/2011/ ARE-11

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 17/03/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against Dr. Yogendranath Parappa Annigeri, Chief Medical Officer, Community Health Centre, Kittur, Belagavi District – Reg.

- Ref:- 1) Government Order No. ಆಕುಕ 216 ಎಂಎಸ್‌ಎ 2009, Bengaluru dated 21/11/2011 and its Corrigendum dated 22/12/2011.
- 2) Nomination order No.LOK/INQ/14-A/494/2011, Bengaluru dated 30/12/2011 of Upalokayukta-1, State of Karnataka, Bengaluru
- 3) Inquiry Report dated 15/3/2018 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its Order dated 21/11/2011 read with its Corrigendum dated 22/12/2011, initiated the disciplinary proceedings against Dr. Yogendranath Parappa Annigeri, Chief Medical Officer, Community Health Centre, Kittur, Bailahongal Taluk, Belagavi 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/494/2011, Bengaluru dated 30/12/2011, nominated Additional Registrar of Enquiries-4, 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. Subsequently by Order No. LOK/INQ14A/2014 dated 14/3/2014 the Additional Registrar of Enquiries-5 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGO. Again by order No. UPLOK-1/DE/2016 dated 3/8/2016, Additional Registrar of Enquiries-11 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGO.

3. The DGO Dr. Yogendranath Parappa Annigeri, Chief Medical Officer, Community Health Centre, Kittur, Bailahongal Taluk, Belagavi District was tried for the following charge:-

“That, you Dr. Yogendranath Parappa Annigeri, the DGO, while working as Chief Medical Officer of Community Health Centre at Kitturu in Bailahongal Taluk of Belgaum District, and on 29/06/2009, Smt. Lakshmi, eldest daughter-in-law of the Complainant viz., Sri Basavanth Yallappa Betgar r/o. Naaithegur in Bailahongal Taluk was admitted to the said Hospital as she was having delivery pain and then you asked the complainant for bribe of ₹3,000/- to admit Smt. Lakshmi to the Hospital and received ₹500/- and on that day, a child was delivered and expired in the morning on 30/06/2009 and still you asked for payment of balance bribe of ₹2500/- and on 03/07/2009 received the said bribe amount from the complainant, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that the charge against DGO Dr. Yogendranath Parappa Annigeri that in order to extend official favour to the complainant i.e., in the matter of delivery process of Lakshmi, the DGO who was working as Chief Medical Officer in Community Health Centre, Kittur accepted part of illegal gratification of ₹500/- from the complainant earlier to 30/07/2009 is not proved.

Second part of charge against DGO that in the matter of delivery process of Lakshmi, DGO who was working as Chief Medical Officer in Community Health Centre, Kittur demanded and accepted illegal gratification of ₹2,500/- from the complainant in the chamber of DGO in Community Health Centre, Kittur on 03/07/2009 between 2.50 P.M and 3.15 P.M and during investigation DGO failed to offer satisfactory explanation before the Investigating Officer for possession of tainted cash of ₹2,500/- and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

As per Government Order No. ಅಕುಕ 216 ಎಂಎಸ್‌ಎ 2009, ಬೆಂಗಳೂರು ದಿನಾಂಕ 04/02/2014 DGO is dismissed from service subject to the Judgment in Criminal Appeal number 2600/2013 pending before Hon'ble High Court of Karnataka, Dharwad Bench.


5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry

Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Dr. Yogendranath Parappa Annigeri, it is hereby recommended to the Government for imposing penalty of dismissal from service on DGO Dr. Yogendranath Parappa Annigeri, Medical Officer, Community Health Centre, Kittur, Belagavi District, if the judgment of conviction challenged by the DGO is set aside by the High Court in Criminal Appeal No.2600/2013.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 17/3.  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru