



## **KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/352/2018/ARE-11

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Dated 02.02.2023.

### **RECOMMENDATION**

Sub:- Departmental inquiry against 1) Sri. S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru and 2) Sri.H.K.Anandkumar, Inspector, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru - reg.

- Ref:- 1) Government Order No.ಆನಾಸ 21 ಕಾಮಾಸೇ 2018, Bengaluru, dated 07/07/2018.
- 2) Nomination order No.UPLOK-1/DE/352/2018, dated 19.07.2018 of the Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 30.01.2023 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 07-07-2018 initiated the disciplinary proceedings against 1) Sri. S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road,

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Bengaluru and 2) Sri.H.K.Anandkumar, Inspector, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru [hereinafter referred to as Delinquent Government Officers/officials, for short as 'DGO No.1 and 2'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/352/2018, dated 19.07.2018, nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO No.1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO No.1 Sri.S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru and the DGO No.2 Sri.H.K.Anandkumar, Inspector, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru, were tried for the following charge:-



**ಅನುಬಂಧ-1**  
**ದೋಷಾರೋಪಣೆ**

ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ. ಎಸ್.ವಿ. ಭಾಸ್ಕರ್ ರಾವ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಅಲಿ ಅಸ್ಕರ್ ರಸ್ತೆಯಲ್ಲಿರುವ ಕಾನೂನು ಮಾಪನಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಕಚೇರಿಯ 'ಎ' ಮತ್ತು 'ಟಿ' ಘಟಕದಲ್ಲಿ ಸಹಾಯಕ ನಿಯಂತ್ರಕರಾಗಿ ಮತ್ತು ನೀವು ಎಂದರೆ ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಹೆಚ್.ಕೆ.ಆನಂದಕುಮಾರ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಅಲಿ ಅಸ್ಕರ್ ರಸ್ತೆಯಲ್ಲಿರುವ ಕಾನೂನು ಮಾಪನಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಕಚೇರಿಯ 'ಎ' ಮತ್ತು 'ಟಿ' ಘಟಕದಲ್ಲಿ ನಿರೀಕ್ಷಕರಾಗಿ 2016 ರಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದಾಗ ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ:5/2016 ರಲ್ಲಿನ ಫಿರ್ಯಾದಿಯಾದ ಬೆಂಗಳೂರಿನ 2ಬಿ @ ಡ್ಯಾಫೋಡಿಲ್ಸ್, ಟ್ರಿನಿಟಿ ಫಾರ್ಜುನ್ ಲೇಔಟ್, ಗೆದ್ದಲಹಳ್ಳಿ ಎಂಬಲ್ಲಿಯ ನಿವಾಸಿಯಾದ ಶ್ರೀ ತಿಮೋತಿಚಾರ್ಲ್ಸ್ ರವರು ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಾಗಿರುವ ಮೆ.ಟ್ರೇಜನ್ ಸಿಸ್ಟಮ್ಸ್ ಪ್ರೈವೇಟ್ ಲಿಮಿಟೆಡ್ ಸಂಸ್ಥೆಗೆ ನಿಮ್ಮ ಇಲಾಖೆಯಿಂದ ಹೊರಡಿಸಲಾದ ತಿಳುವಳಿಕೆ ಪತ್ರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ 03-03-2016 ರಂದು ಬೆಳಿಗ್ಗೆ 10-00 ಗಂಟೆಗೆ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿಯಾದಾಗ ನೀವುಗಳಿಬ್ಬರೂ ಫಿರ್ಯಾದಿಯ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯ ಗೊಳಿಸುವ ಸಲುವಾಗಿ ರೂ.50,000/-ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದ್ದು, ಅಂದು ಸಂಜೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯನ್ನು ಮೊಬೈಲ್ ಮುಖಾಂತರ ಸಂಪರ್ಕಿಸಿ ದಿನಾಂಕ 04-03-2016 ರಂದು ರೂ.30,000/- ಹಾಗೂ ದಿನಾಂಕ 7-3-2016 ರಂದು ಮಿಕ್ಕ ರೂ.20,000/- ಹೀಗೆ ಒಟ್ಟು ರೂ.50,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ತರುವಾಯ ದಿನಾಂಕ:04-03-2016 ರಂದು ಸಂಜೆ 6:15

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ಗಂಟಿಯಿಂದ 6:23 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಮೇಲ್ಕಂಡ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯಿಂದ ಲಂಚ ಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ನಂತರ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸದರಿ ಲಂಚದ ರೂಪದ ಹಣವಾದ ರೂ.30,000/- ಗಳನ್ನು ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಳಿ ಕೊಡುವಂತೆ ಫಿರ್ಯಾದಿಗೆ ಸೂಚನೆ ಕೊಟ್ಟಿದ್ದು, ತದನಂತರ ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸೂಚನೆಯಂತೆ ರೂ.30,000/- ಗಳನ್ನು ನೀವು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯಿಂದ ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ರೂ.30,000/- ಗಳನ್ನು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ 04/03/2016 ರಂದು ಸಂಜೆ 6:15 ರಿಂದ 6:23 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಹೊಂದಿದ್ದ ಬಗ್ಗೆ ಅಪರಾಧ ಸಂಖ್ಯೆ 5/2016 ರ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ನೀವಿಬ್ಬರೂ ತೃಪ್ತಿದಾಯಕ ಉತ್ತರ ನೀಡುವಲ್ಲಿ ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಾದವರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '**proved**' the above charge against the DGO No.1 Sri.S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru and the DGO No.2

Sri.H.K.Anandkumar, Inspector, A and T Unit,  
Department of Legal Metrology, No.1, Ali Askar Road,  
Bengaluru.

5. On perusal of the inquiry report, in order to prove the guilt of DGOs, the disciplinary authority has examined three witnesses as per PW-1 to PW-3 and Ex.P.1 to Ex.P-24 documents were got marked. DGO No.2 has examined himself as DW-1 and got marked Ex.D-1 and Ex.D-2 documents.

6. On re-consideration of report of inquiry and on perusal of the entire records, 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.

7. As per the First Oral Statement of DGO No.1 and 2, furnished by the Inquiry Officer, DGO No.1 is due to retire from service on 28.02.2024 and the DGO No.2 is due to retire from service on 28.02.2039.



8. Having regard to the nature of charge '**proved**' against the DGO No.1 Sri.S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru and the DGO No.2 Sri.H.K.Anandkumar, Inspector, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru, and on consideration of the totality of circumstances:-

- i) "It is hereby recommended to the Government to impose penalty of compulsory retirement and withholding of 50% pension permanently of DGO No.1 Sri.S.V.Bhaskar Rao, Assistant Controller, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru.
- ii) It is hereby recommended to the Government to impose penalty of compulsory retirement of DGO No.2 Sri.H.K.Anandkumar, Inspector, A and T



Unit, Department of Legal Metrology,  
No.1, Ali Askar Road, Bengaluru.”

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

Connected records are enclosed herewith.

  
**(JUSTICE K.N.PHANEENDRA)**  
Upalokayukta,  
State of Karnataka.





**KARNATAKA LOKAYUKTA**

NO. UPLOK-1/DE/352/2018/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 30/01/2023.

**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against  
(1) Sri. S.V.Bhaskar Rao, Assistant Controller  
A and T Unit, Department of Legal Metrology  
No.1, Ali Oskar Road, Bengaluru and  
(2) Sri. H.K.Anandkumar, Inspector, A and T  
Unit, Department of Legal Metrology, No.1, Ali  
Askar Road, Bengaluru -reg.

Ref: 1. Order No. ಅನಾಸ 21 ಕಾಮಾಸೇ 2018, ಬೆಂಗಳೂರು,  
ದಿನಾಂಕ 07/07/2018.

2. Nomination Order No. UPLOK-  
1/DE/352/2018, Bengaluru, dated  
19/07/2018.

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1. The Departmental Enquiry is initiated against (1) S.V.Bhaskar Rao, Assistant Controller A and T Unit, Department of Legal Metrology, No.1, Ali Oskar Road, Bengaluru (2) Sri. H.K.Anandkumar, Inspector, A and T Unit, Department of Legal Metrology, No.1, Ali Askar Road, Bengaluru (hereinafter referred to as the Delinquent Government Officials, in short DGO No.1 & 2 respectively) on the basis of the complaint dated 04/03/2016. The allegations in the complaint is

  
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that he is running musical instrument company in the name and style M/s Trejan Systems Private Limited. That on 20/01/2016 DGO-2 has seized 'PRO-580' head phone packet from Shiva Musicals run by Krishnan. S. which was manufactured by M/s Trejan Systems Private Limited stating that seized packet is in violation of Legal Metrology Act 2009 and the legal metrology (package commodity rules, 2007) and DGO-2 has given notice in this regard to the complainant that complainant has sent reply to the notice on 01/02/2016 through his counsel. That DGO-2 called the complainant on 01/03/2016 to his land line and told him to come to the office on 03/03/2016 at 10:00 a.m. That when complainant went to the office of DGO-2 on 03/03/2016, the DGOs have demanded Rs. 50,000/- bribe to be paid to DGOs 1 and 2 or else threatened him that they will file case against him. That on 03/03/2016 at 4:00 p.m DGO-1 has called the complainant through his mobile and demanded the bribe amount and at the request of the complainant have agreed to receive Rs. 30,000/- on 04/03/2016 and balance of Rs.20,000/- on 07/03/2016. That the complainant has recorded the above said conversation in his mobile.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, City Div. Bengaluru lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case

  
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in Cr.No.5/2016 against the DGOs 1 and 2 for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.

3. The Investigating Officer took up investigation and on 04/03/2016, DGO2 was caught red handed while demanding and accepting illegal gratification of Rs.30,000/- from the complainant in his office on the instructions of DGO 1 and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, City Division, Bengaluru. The DGOs 1 and 2 have failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO-1 & 2 in the concerned jurisdictional Court.

4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 28/04/2018 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO-1 & 2 and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Competent Authority by order dated 07/07/2018 entrusted the matter to the Hon'ble Upalokayukta.

  
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5. The Hon'ble Upalokayukta by order dated 19/07/2018, nominated Additional Registrar Enquiries-11 to conduct the enquiry.

6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ

ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ. ಎಸ್.ವಿ. ಭಾಸ್ಕರ್ ರಾವ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಅಲಿ ಅಸ್ಕರ್ ರಸ್ತೆಯಲ್ಲಿರುವ ಕಾನೂನು ಮಾಪನಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಕಚೇರಿಯ 'ಎ' ಮತ್ತು 'ಟ' ಘಟಕದಲ್ಲಿ ಸಹಾಯಕ ನಿಯಂತ್ರಕರಾಗಿ ಮತ್ತು ನೀವು ಎಂದರೆ ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಹೆಚ್.ಕೆ.ಆನಂದಕುಮಾರ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಅಲಿ ಅಸ್ಕರ್ ರಸ್ತೆಯಲ್ಲಿರುವ ಕಾನೂನು ಮಾಪನಶಾಸ್ತ್ರ ಇಲಾಖೆಯ ಕಚೇರಿಯ 'ಎ' ಮತ್ತು 'ಟ' ಘಟಕದಲ್ಲಿ ನಿರೀಕ್ಷಕರಾಗಿ 2016 ರಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದಾಗ ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ:5/2016 ರಲ್ಲಿನ ಫಿರ್ಯಾದಿಯಾದ ಬೆಂಗಳೂರಿನ 2ಬಿ @ ಡ್ಯಾಫೋಡಿಲ್ಸ್, ಟ್ರಿನಿಟಿ ಫಾರ್ಜುನ್ ಲೇಔಟ್, ಗೆದ್ದಲಹಳ್ಳಿ, ಎಂಬಲ್ಲಿಯ ನಿವಾಸಿಯಾದ ಶ್ರೀ ತಿಮೋತಿಚಾರ್ಲ್ಸ್ ರವರು ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಾಗಿರುವ ಮೆ.ಟ್ರೇಜನ್ ಸಿಸ್ಟಮ್ಸ್ ಪ್ರೈವೇಟ್ ಲಿಮಿಟೆಡ್ ಸಂಸ್ಥೆಗೆ ನಿಮ್ಮ ಇಲಾಖೆಯಿಂದ ಹೊರಡಿಸಲಾದ ತಿಳುವಳಿಕೆ ಪತ್ರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ 03-03-2016ರಂದು ಬೆಳಿಗ್ಗೆ 10-00 ಗಂಟೆಗೆ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿಯಾದಾಗ ನೀವುಗಳಿಬ್ಬರೂ ಫಿರ್ಯಾದಿಯ ಸಂಸ್ಥೆಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯ ಗೊಳಿಸುವ ಸಲುವಾಗಿ ರೂ.50,000/-ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದ್ದು ಅಂದು ಸಂಜೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯನ್ನು ಮೊಬೈಲ್ ಮುಖಾಂತರ ಸಂಪರ್ಕಿಸಿ ದಿನಾಂಕ 04-03-2016ರಂದು ರೂ.30,000/- ಹಾಗೂ ದಿನಾಂಕ 7-3-2016 ರಂದು ಮಿಕ್ಕ ರೂ.20,000/- ಹೀಗೆ ಒಟ್ಟು ರೂ.50,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ತರುವಾಯ ದಿನಾಂಕ:04-03-2016ರಂದು ಸಂಜೆ 6:15 ಗಂಟೆಯಿಂದ 6:23

  
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ಗಂಟಿಯ ಅವಧಿಯಲ್ಲಿ ಮೇಲ್ಕಂಡ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯಿಂದ ಲಂಚ ಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ನಂತರ 1ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸದರಿ ಲಂಚದ ರೂಪದ ಹಣವಾದ ರೂ. 30,000/- ಗಳನ್ನು ನೀವು ಎಂದರೆ 2ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಳಿ ಕೊಡುವಂತೆ ಫಿರ್ಯಾದಿಗೆ ಸೂಚನೆ ಕೊಟ್ಟಿದ್ದು ತದನಂತರ ನೀವು ಎಂದರೆ 1ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸೂಚನೆಯಂತೆ ರೂ.30,000/- ಗಳನ್ನು ನೀವು 2ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯಿಂದ ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ರೂ.30,000/- ಗಳನ್ನು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದಿನಾಂಕ 04/03/2016 ರಂದು ಸಂಜೆ 6:15 ರಿಂದ 6:23 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಹೊಂದಿದ್ದ ಬಗ್ಗೆ ಅಪರಾಧ ಸಂಖ್ಯೆ 5/2016 ರ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ನೀವಿಬ್ಬರೂ ತ್ರಪ್ಪಿದಾಯಕ ಉತ್ತರ ನೀಡುವಲ್ಲಿ ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಾದವರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

The statement of imputations of misconduct as framed by Additional Registrar Enquiries-11 is as follows:-

**ಅನುಬಂಧ-2**

**ದೋಷರೋಪಣೆಯ ವಿವರ**

ಬೆಂಗಳೂರಿನ ಗೆದ್ದಲಹಳ್ಳಿ ವ್ಯಾಪ್ತಿಯ ಟ್ರಿನಿಟಿ ಫಾರ್ಮ್ ಲೇಔಟ್ ಎಂಬಲ್ಲಿಯ 2ಬಿ @ ಡ್ಯಾಫೋಡೆಲ್ಸ್ ನಿವಾಸಿಯಾದ ಫಿರ್ಯಾದಿ ಶ್ರೀ ತಿಮೋತಿಚಾರ್ಲ್ಸ್ ರವರು ಬೆಂಗಳೂರಿನ ಹೆಚ್.ಬಿ.ಆರ್. ಲೇಔಟ್‌ನಲ್ಲಿ ಸಂಗೀತ ಪರಿಕರಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಂಪನಿಯಾದ ಟ್ರೇಜನ್ ಸಿಸ್ಟಮ್ಸ್ ಪ್ರೈವೇಟ್ ಲಿಮಿಟೆಡ್ ಎಂಬ ಸಂಸ್ಥೆಯನ್ನು ನಡೆಸುತ್ತಿದ್ದು, ಫಿರ್ಯಾದಿಗೆ ನಿಮ್ಮ ಕಛೇರಿಯಿಂದ ದಿನಾಂಕ 20-01-2016ರಂದು ತಿಳುವಳಿಕೆ ಪತ್ರ ಬಂದಿದ್ದು ಸದರಿ ಸದರಿ ತಿಳುವಳಿಕೆ ಪತ್ರದಲ್ಲಿ ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸಹಿ ಇದ್ದು ವಸ್ತುಗಳ ಮಾರಾಟ ಸಂಬಂಧದಲ್ಲಿ ಕಾನೂನು ಮಾಪನ ಕಾಯ್ದೆ 2009ರ ಉಲ್ಲಂಘನೆಯಾಗಿದ್ದು ಆ ಬಗ್ಗೆ ವಿಚಾರಣೆಗೆ

  
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ಹಾಜರಾಗುವಂತೆ ಸೂಚಿಸಲಾಗಿದ್ದು ಆ ತಿಳುವಳಿಕೆ ಪತ್ರಕ್ಕೆ ಫಿರ್ಯಾದಿಯು ತಮ್ಮ ನ್ಯಾಯವಾದಿಯ ಮುಖಾಂತರ ಪತ್ರ ಕಳುಹಿಸಿದ್ದು ದಿನಾಂಕ:01-03-2016ರಂದು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೇಲ್ಕಂಡ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 03-03-2016ರಂದು ಬೆಳಿಗ್ಗೆ 10-00 ಗಂಟೆಗೆ ಹಾಜರಾಗುವಂತೆ ಸೂಚನೆ ಕೊಟ್ಟು ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೊಬೈಲ್ ಸಂಖ್ಯೆ: .9448544467ನ್ನು ನೀಡಿದ್ದು ನಂತರ ದಿನಾಂಕ 03-03-2016ರಂದು ಬೆಳಿಗ್ಗೆ 10.00 ಗಂಟೆಗೆ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮ ಕಛೇರಿಗೆ ಬಂದು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿಯಾಗಿದ್ದು ಅ ಸಮಯದಲ್ಲಿ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರು ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ನೇತೃತ್ವದಲ್ಲಿ ಎಂಬುದಾಗಿ ತಿಳಿಸಿರುತ್ತೀರಿ. ಫಿರ್ಯಾದಿಗೆ ಕೊಡಲಾದ ತಿಳುವಳಿಕೆ ಪತ್ರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಫಿರ್ಯಾದಿಗೆ ನೀವುಗಳಿಬ್ಬರು ಬೆದರಿಕೆ ಹಾಕಿ ರೂ.50,000/-ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದ್ದು ಆ ಹಣಕ್ಕೆ ರಸೀದಿ ಕೊಡಲಾಗುತ್ತದೆಯೇ ಎಂಬುದಾಗಿ ಫಿರ್ಯಾದಿಯು ಕೇಳಿದಾಗ ರಸೀದಿ ಕೊಡಬೇಕಾದರೆ ರೂ.1,00,000/-ಗಳನ್ನು ಪಾವತಿ ಮಾಡಬೇಕೆಂದು ನೀವುಗಳು ಹೇಳಿದ್ದು ಆ ಮೂಲಕ ಪರೋಕ್ಷವಾಗಿ ರೂ.50,000/- ಗಳ ಲಂಚ ಎಂಬುದಾಗಿ ನೀವುಗಳಿಬ್ಬರು ಫಿರ್ಯಾದಿಯ ಗಮನಕ್ಕೆ ತಂದಿರುತ್ತೀರಿ.

ಅಂದು ಸಂಜೆ 4.00 ಗಂಟೆಗೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಗೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೊಬೈಲ್ ಸಂಖ್ಯೆ 9900564220 ಸಂಖ್ಯೆಯ ಮೊಬೈಲ್ ಮುಖಾಂತರ ಕರೆ ಮಾಡಿ ರೂ.30,000/- ಗಳನ್ನು ದಿನಾಂಕ 04/03/2016 ರಂದು ಮತ್ತು ರೂ. 20,000/-ಗಳನ್ನು 7-3-2016ರಂದು ಪಾವತಿಸುವಂತೆ ಸೂಚನೆ ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ನೀವುಗಳು ಕೇಳಿದ ಬೇಡಿಕೆಗೆ ಸಕಾರಾತ್ಮಕವಾಗಿ ಸ್ಪಂದಿಸಲು ಫಿರ್ಯಾದಿಗೆ ಮನಸ್ಸೊಪ್ಪದ ಕಾರಣ ಫಿರ್ಯಾದಿಯು ಬೆಂಗಳೂರು ಲೋಕಾಯುಕ್ತ ನಗರ ವಿಭಾಗದ ಆರಕ್ಷಕ ತಾಣೆಯ ನಿರೀಕ್ಷಕರಿಗೆ ದಿನಾಂಕ 04/03/3016 ರಂದು ಸಂಜೆ 4:30 ಗಂಟೆಗೆ ಭೇಟಿಯಾಗಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಲಿಖಿತ ಫಿರ್ಯಾದನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಫಿರ್ಯಾದಿನ ಆಧಾರದ ಮೇಲೆ ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗದ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ತಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗದ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 5/2016 ರಲ್ಲಿ ಲಂಚ

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ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7 ಮತ್ತು ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ವಿಧಿ 120-ಬಿ ರಡಿಯಲ್ಲಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಪ್ರಕರಣ ನೋಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಬೆಂಗಳೂರಿನ 23ನೆಯ ಹೆಚ್ಚುವರಿ ಸಿಟಿ ಸಿವಿಲ್ ಮತ್ತು ಸತ್ತ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ತರುವಾಯ ಮೇಲ್ಕಂಡ ಪ್ರಕರಣವನ್ನು ನೋಂದಾಯಿಸಿರುವ ಬೆಂಗಳೂರು ಲೋಕಾಯುಕ್ತ ನಗರ ವಿಭಾಗದ ಆರಕ್ಷಕ ತಾಣೆಯ ನಿರೀಕ್ಷಕರು ಎಂದರೆ ಅಪರಾಧ ಸಂಖ್ಯೆ:5/2016ರಲ್ಲಿಯ ತನಿಖಾಧಿಕಾರಿಯವರು ಅದೇ ದಿನ ನೆರಳು ಸಾಕ್ಷಿಯಾಗಿ ರತನ್ ಕುಮಾರ್. ಎಲ್ ರವರನ್ನು ಮತ್ತು ಪಂಚ ಸಾಕ್ಷಿಯಾಗಿ ಗಂಗಾಧರ ಎನ್ ಆರ್ ರವರನ್ನು ಬೆಂಗಳೂರು ನಗರ ವಿಭಾಗದ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಆರಕ್ಷಕ ತಾಣೆಗೆ ಕರೆಸಿದ್ದು ಅವರಿಬ್ಬರನ್ನು ಫಿರ್ಯಾದಿಗೆ ಪರಿಚಯಿಸಿರುತ್ತಾರೆ. ಫಿರ್ಯಾದಿಯು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಒಟ್ಟು ರೂ. 30,000/- ಎಂದರೆ 500/- ನೂರು ಮುಖಬೆಲೆಯ 57 ನೋಟುಗಳನ್ನು ಮತ್ತು ರೂ.100/- ಮುಖಬೆಲೆಯ 15 ನೋಟುಗಳನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು ಪಡಿಸಿದ್ದು, ಆ ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಗಣಕಯಂತ್ರದ ಮುಖಾಂತರ ಒಂದು ಹಾಳೆಯ ಮೇಲೆ ದಾಖಲು ಮಾಡಿಸಿ ಅವುಗಳ ಮೇಲೆ ತಮ್ಮ ಸಿಬ್ಬಂದಿ ಮುಖಾಂತರ ಫಿನಾಪ್ತಲಿನ್ ಪುಡಿಯನ್ನು ಲೇಪಿಸಿ ನಂತರ ಆ ನೋಟುಗಳನ್ನು ಪಂಚ ಸಾಕ್ಷಿ ರವರ ಮುಖಾಂತರ ಫಿರ್ಯಾದಿಯ ಪ್ರಾಂಟಿನ ಬಲ ಮುಂದಿನ ಜೇಬಿನಲ್ಲಿರಿಸಿ ನಂತರ ನೀರು ಹಾಗೂ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ಪುಡಿಯನ್ನು ಬಳಸಿ ತಯಾರಿಸಲಾದ ದ್ರಾವಣವನ್ನು ಪಂಚ ಸಾಕ್ಷಿಯ ಕೈಗಳ ಬೆರಳುಗಳನ್ನು ತೊಳೆಸಿದಾಗ ಆ ದ್ರಾವಣವು ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿದ್ದು ಅದನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಶೀಘ್ರದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಫಿರ್ಯಾದಿಯು ಹಾಜರು ಮಾಡಿರುವ ಮೊಬೈಲ್ ಉಪಕರಣದಲ್ಲಿದ್ದ ಅಂಶಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಕಾಂಪ್ಯಾಕ್ಟ್ ಡಿಸ್ಕಿಗೆ ಅಳವಡಿಸಿ ಹಾಳೆಯೊಂದರ ಮೇಲೆ ಲಿಪೀಕರಿಸಿರುತ್ತಾರೆ. ನಿಮಿಬ್ಬರನ್ನು ಭೇಟಿಯಾಗಿ ಒಂದು ವೇಳೆ ನೀವುಗಳು ಹಣ ಬೇಕೆಂದು ಕೇಳಿದರೆ ಮಾತ್ರ ಪುಡಿ ಲೇಪಿತ ನೋಟುಗಳನ್ನು ನಿಮಗೆ ಕೊಡುವಂತೆಯೂ ಮತ್ತು ಒಂದು ವೇಳೆ ನಿಮ್ ಪೈಕಿ ಯಾರಾದರೂ ಅವುಗಳನ್ನು ಪಡೆದುಕೊಂಡರೆ ಆ ಬಗ್ಗೆ ಸೂಚನೆ ಕೊಡಬೇಕೆಂತಲೂ ಮತ್ತು ಒಂದು ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ಫಿರ್ಯಾದಿಗೆ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ಕೊಟ್ಟು ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಬೇಕಾದರೆ ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ಚಾಲನಾ ಸ್ಥಿತಿಯಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವಂತೆ ಫಿರ್ಯಾದಿಗೆ ತಿಳಿಸಿ ಫಿರ್ಯಾದಿಯೊಂದಿಗೆ ಹೋಗಿ ನೀವುಗಳು ಮತ್ತು ಫಿರ್ಯಾದಿಯ ನಡುವೆ ನಡೆಯುವ

  
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ವದ್ಯಮಾನಗಳನ್ನು ಗಮನಿಸಿಕೊಳ್ಳುವಂತೆ ತನಿಖಾಧಿಕಾರಿಯವರು ನೆರಳು ಸಾಕ್ಷಿಗೆ ತಿಳಿಸಿ ಮೇಲ್ಕಂಡ ಪ್ರಕ್ರಿಯೆ ಬಗ್ಗೆ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಜರುಗಿಸಿರುತ್ತಾರೆ.

ತರುವಾಯ ಅದೇ ದಿನ ಎಂದರೆ ದಿನಾಂಕ 04/03/3016 ರಂದು ಸಂಜೆ 6:15 ಗಂಟೆಯಿಂದ ಸಂಜೆ 6:23 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯು ನೆರಳು ಸಾಕ್ಷಿಯ ಸಮೇತ ನಿಮ್ಮ ಕಛೇರಿಗೆ ಬಂದಿದ್ದು ಆ ಸಮಯದಲ್ಲಿ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹಣ ಎಷ್ಟಿದೆ ಎಂಬುದಾಗಿ ಫಿರ್ಯಾದಿಯನ್ನು ಕೇಳಿದ್ದು ಆಗ ಫಿರ್ಯಾದಿಯು ರೂ.30,000/- ಇದೆ ಎಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದು ಸದರಿ ಲಂಚದ ಹಣವನ್ನು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕೊಡುವಂತೆ ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹೇಳಿದ್ದು ಅದರಂತೆ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸೂಚನೆಯಂತೆ ಫಿರ್ಯಾದಿಯು ಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಪುಡಿ ಲೇಪಿತ ರೂ.30,000/- ಗಳನ್ನು ಕೊಟ್ಟಿದ್ದು ಆ ಹಣವನ್ನು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬಲಗೈಯಿಂದ ಪಡೆದುಕೊಂಡು ಮೇಜಿ ಡ್ರಾ ಒಳಗಡೆ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಇಟ್ಟಿರುತ್ತೀರಿ.

ಫಿರ್ಯಾದಿಯು ಸೂಚನೆ ಕೊಟ್ಟ ನಂತರ ತನಿಖಾಧಿಕಾರಿಯವರು ಅವರ ಸಿಬ್ಬಂದಿಗಳು ಮತ್ತು ಪಂಚ ಸಾಕ್ಷಿಯ ಸಮೇತ ನಿಮ್ಮ ಕಛೇರಿಯ ಒಳಗೆ ಬಂದಿದ್ದು ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮಿಬ್ಬರನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ತೋರಿಸಿ ನಿಮ್ಮ ಪೈಕಿ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸೂಚನೆಯಂತೆ ಪುಡಿ ಲೇಪಿತ ನೋಟುಗಳನ್ನು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕೊಟ್ಟಿರುವುದಾಗಿಯೂ ಮತ್ತು ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ನೀರು ಹಾಗೂ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ಪುಡಿಯನ್ನು ಬಳಸಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಎರಡು ಬಟ್ಟಲುಗಳಲ್ಲಿ ದ್ರಾವಣ ತಯಾರಿಸಿ ಅದರ ಮಾದರಿಯನ್ನು ಪಡೆದುಕೊಂಡು ನಂತರ ಒಂದು ಬಟ್ಟಲಿನಲ್ಲಿದ್ದ ದ್ರಾವಣದಲ್ಲಿ ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಲಗೈ ಬೆರಳುಗಳನ್ನು ಮತ್ತು ಮತ್ತೊಂದು ಬಟ್ಟಲಿನಲ್ಲಿದ್ದ ದ್ರಾವಣದಲ್ಲಿ ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಎಡಗೈ ಬೆರಳುಗಳನ್ನು ತೊಳೆಸಲಾಗಿ ಆ ದ್ರಾವಣಗಳು ತಿಳಿ ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿದ್ದು ಅವುಗಳನ್ನು ಪ್ರತ್ಯೇಕವಾದ ಶೀಸೆಗಳಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ.

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ಪುಡಿ ಲೇಖಿತ ನೋಟುಗಳ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯವರು ವಿಚಾರಿಸಿದಾಗ ನಿಮ್ಮ ಪೈಕಿ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮೇಜಿನ ಡ್ರಾ ಒಳಗೆ ಇದ್ದ ಮೇಲ್ಕಂಡ ಪುಡಿ ಲೇಖಿತ ನೋಟುಗಳನ್ನು ಹಾಜರು ಮಾಡಿದ್ದು ಆ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಪುಡಿ ಲೇಖಿತ ನೋಟುಗಳ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯವರು ಮುಂದುವರೆದು ವಿಚಾರಿಸಿದಾಗ ನೀವಿಬ್ಬರು ಪ್ರತ್ಯೇಕವಾದ ಹೇಳಿಕೆಗಳನ್ನು ಬರೆದು ಕೊಟ್ಟಿದ್ದು ಆ ಹೇಳಿಕೆಗಳು ನಂಬಲರ್ಹವಾಗಿರಲಿಲ್ಲ ಎಂಬುದಾಗಿ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಮೇಲ್ಕಂಡ ನೋಟುಗಳ ಬಗ್ಗೆ ನೀವುಗಳು ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ನೀವುಗಳು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಾದವರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ವಿದ್ಯಮಾನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನೀವಿಬ್ಬರಿಗೆ ಪರಿಶೀಲನಾ ಟಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವುಗಳು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರಗಳು ಅಂಗೀಕಾರಯೋಗ್ಯವಲ್ಲವೆಂದು ಕಂಡು ಬಂದಿದ್ದು, ಆದ ಕಾರಣ, ನಿಮ್ಮಿಬ್ಬರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿದ್ದು, ನಂತರ ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಒಪ್ಪಿ ನಿಮ್ಮಿಬ್ಬರ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಕರ್ನಾಟಕದ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನೀವು ಎಂದರೆ 1ನೆಯ ಮತ್ತು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ಈ ದೋಷಾರೋಪಣೆ.

7. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGOs1 & 2. In response to the service of articles of charge,

  
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DGOs 1 & 2 entered appearance before this authority on 04/11/2019 and on 18/11/2019, DGO-1 engaged defence Assistant and DGO-2 engaged advocate for defence. In the course of first oral statement of the DGOs 1 and 2 recorded on 04/11/2019, they pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO-1 is 28/02/2024 and DGO No.2 is 28/02/2039.**

8. The DGO1 has filed his written statement denying the allegations made in the articles of charge and statement of imputations of misconduct. Further contended that the charge is vague, not specific and not in accordance with the Manual of office procedure and the work allocation in respect of him. DGO-1 further contended that he is group B Gazetted officer and DGO-2 is the group-C, non-gazetted employee as per the provisions of KCSRs which is applicable to both of them. That the Legal Metrology Act 2009 does not provide for separate exercising of powers and performance of functions to him and DGO 2 and treats both as Legal Metrology officers for the purpose of enforcing the provisions of the Act and Rules. Further contended that the DGO-2 has booked a case against all the accused simultaneously and initiated the proceedings. The offence is compoundable under section 48 of the Legal Metrology Act, 2009 and accordingly the compounding notices were served on all the accused including the complainant who was also an accused in this case. Further he stated that he is vested with the powers to compound the offences under section 48

  
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of the Legal Metrology Act, 2009 and had the jurisdiction to compound the cases filed by DGO-2. Further contended that in the instant case complainant was an importer and the transaction being interstate, the compounding fee of Rs.25,000/- (for importer) and Rs.5,000/-(for retailer) was fixed as per Government Notification No.GSR 359 (E) dated 06/06/2013. As per the provisions of the Act all the other directors of the company were also made parties and each person fine amount has to be fixed. As the complainant had marked the same batch of inquest (seized by the DGO-2) through his network either in different outlets or through distribution/delivery of the same batch of goods. Further DGO-1 contended that the complainant must be adopting deceitful practices, illegal activities, unfair trade practices to push his goods only to further his gain. The mala-fide intention of the complainant is thus exposed and due to this apprehension of the complainant being tackled by legal issues by the enforcement authority he has resorted to create a false allegation of demanding bribe by him and DGO-2 and trapping them in a false complaint.

Further DGO-1 contended that it is only to safeguard his interests, complainant has victimized him and DGO-2 naming the compounding fees of Rs.25,000/-collected by them terming it is a bribe. That all the issues are well placed on the file of the CC No.10514/2016 before the MMTC-1, Bengaluru. Hence, in the instant case, the amount involved in transaction refers to the compounding of Rs.25,000/- (for importer) as applicable to the complainant which is as per the Central Government Notification

  
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No.GSR-427(E) dated 05/06/2012 and Rs.5,000/- ( for retailer) is fixed. Hence, the amount involved in the transaction is only the Government fee and nothing else. The complainant being an offender/accused also violated the provision of Rule 27 of the Legal Metrology (Packaged Commodities) rules, 2011 for failing to get himself mandatorily registered as an importer under the said provisions. Further the complainant has failed to provide the relevant records, documents, invoices, bills of the transaction as sought by DGO-2 and thereby had violated section 31 of the Legal Metrology Act 2009.

DGO-1 further contended that the department of Legal Metrology had started the computerization of its activities and with the co-operation and assistance from all the Legal Metrology Officers, the activities of the department were digitalized and had given effect from 15/04/2015. The important activities of the department namely, verification, calibration of weight, measures, Weighing Instrument and Measuring Instruments by the Legal Metrology officers and the inspection work by Legal Metrology Officers were computerized through e-Mapan software and the allied services were also computerized. The e-mapan software was not trouble free due to hang up issue, network in-accessibility etc., Each LMO's was given a laptop and mobile printer to facilitate the department day to day activities. The e-mapan software was maintained by Keonics which in turn had let out to another Co., Zeal Tech. B-10 and the Zeal Tech, Bangalore are given AMC to maintain the e-mapan software of the department and updates

  
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were loaded as and when situations so warrant. Thus the e-mapan software was full of technical problems and most of the issues were not resolved. That the instant case is one such in which the operative part of Notification in Annexure-C could not be loaded in his laptop and lapse is vividly exposed. Further submits that the number of complaints received by the Legal Metrology Officers were alarmingly high. The technical defects in the software, for smooth functioning. Further submit that , in the instant case, while following the procedure as per e-mapan software, due to technical problems faced by the Legal Metrology officer, the system failed and DGO-2 could not raise the money receipt in time. This is due to system failure due to which himself and DGO2 are made to face hardships, problems and embarrassment. That it is entirely due to technical flaws developed in the laptop and the system, attributable to the lack of proper administrative control and supervision, lack of far sightedness in the dispensation, all have added miserable state of affairs for himself and DGO-2 and they are now facing the present enquiry.

DGO-1 further contended that as per the investigation and the written statement given by himself and DGO2 before the Investigating Officer there was no demand and acceptance of the bribe amount from the complainant on 04/03/2016 as alleged. The DGO-2 had discharged his duty by filing a case against the complainant and the complainant offered to compound the offence by paying compounding fee meanwhile the investigation was being continued to know whether the complainant involved in the

  
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transactions in other part of the state and even in other states within India he became nervous and tried to file a false complaint of demand of bribe against himself and DGO2. Further submits that he had not demanded any bribe from the complainant or any other person and he had not accepted the bribe as alleged in the article of charge. He submits that the investigation officer had filed a false case in Special CC No.570/2017 in the Court of XXIII Additional City Civil and Sessions Judge, Special Judge, Bengaluru Urban District (CCH 24) Bengaluru City in which the Hon'ble Spl. Judge has discharged him and DGO-2 from the offences charged against them vide order dated 16/10/2015. He further submits that he had given satisfactory reply to the investigation officer about the case filed by DGO-2 and the e-mapan software failure in generating the receipt etc. That there is no misconduct on his part and he prayed that he may be exonerated from the imputation of charges levelled against him in the interest of justice and equity.

9. The DGO No.2 has filed his written statement denying the allegations made in the articles of charge and statement of imputations of misconduct. Further contended that the complainant had filed a false complaint against him and submits that the allegations made in the complaint is in no way concern with DGO 2. That he is not aware as to since how long the complainant is carrying out his business. Further denied that he had telephoned the complainant on 01/03/2016 instructing to

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appear before him in the office at 10 a.m. on 03/03/2016. Further submits that in this regard the Lokayukta Police have already investigated and have not been able to collect a single piece of evidence. Further submits that on 04/03/2016 he was working at Vidhana Soudha to attend Vidhana Parishad Proceedings as per the orders of the Controller, Department of Legal Metrology, Bengaluru. That he was discharging his official duty at Vidhana Soudha until 6.15 p.m. That he has received telephonic call from his superior DGO-1 that he was informed to come to office and complete the proceedings in the E-Mapan Software, as per Legal Metrology Act 2009. Immediately after receiving call he came to the office and appeared before DGO-1. Further contended that what transpired between him and DGO-1 was explained by him immediately to Lokayukta police after his arrest by way of written explanation. The written explanation is also a part of the chargesheet filed before the Lokayukta Special Court and CCH 24 at Bengaluru. Further contended that he never received illegal gratification for himself or on behalf of DGO-1 and denied receipt of Rs.30,000/- knowing it to be a bribe amount. That as a Legal Metrology Inspector he has been empowered to receive compounding fees in cash as such the complainant has used that as an opportunity to implicate him in this false case. That on that fateful day, the complainant, Mr. Timothy Charles had entered his chamber under the garb of paying compounding fees and misrepresented the same to the Lokayukta Police as payment towards bribe amount. Further stated that he has given detailed explanation at the time of trap proceedings itself. But the

  
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Lokayukta Police along with panchas brushed it aside as false without stating proper reasons. Further he denied that the materials collected by the Investigating Officer prove misconduct. That the materials placed by the Investigating Officer itself disclose that he has acted in accordance with law and rules. DGO-2 further denied that as a public servant he has committed dereliction of duty and has not acted in a manner that amounts to unbecoming of a public servant. As such the disciplinary proceedings initiated is illegal and liable to be set aside.

DGO-2 further contented that he has not received any illegal instructions from DGO1 nor he has acted against law in discharging work of the complainant. That he has never demanded any illegal gratification from the complainant or from any other persons to discharge his official duties. Further stated that the complainant is already examined before the Criminal Trial, the evidence of the complainant before the Special Court does not disclose any misconduct in respect to him. That the complainant has made few baseless and concocted allegations. That there is no misconduct on his part and he prayed that he may be exonerated from the imputation of charges levelled against him in the interest of justice and equity.

10. The points that arise for consideration are as follows:-

- 1. Whether the disciplinary authority proves that the DGO-1 while working as**

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Assistant Controller and DGO-2 while working as Inspector in A and T Unit, Department of Legal Metrology situated in No.1, Ali Oskar Road, Bengaluru, the complainant being the owner of musical instrument company in the name and style M/s Trejan Systems Private Limited was sent notice by DGO-2 that on 20/01/2016 he has seized 'PRO-580' head phone packet from Shiva Musicals run by Krishnan. S. which was manufactured by M/s Trejan Systems Private Limited stating that seized packet is in violation of Legal Metrology Act 2009 and the legal metrology (package commodity rules, 2007) and DGO-2 called the complainant on 01/03/2016 to his land line and told him to come to the office on 03/03/2016 at 10:00 a.m. and when the complainant went to the office of DGO-2 on 03/03/2016, the DGOs have demanded Rs. 50,000/- bribe to be paid to DGOs 1 and 2 or else threatened him that they will file case against him and on 03/03/2016 at 4:00 p.m DGO-1 has called the complainant through his mobile and demanded the bribe amount and at the

  
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request of the complainant have agreed to receive Rs. 30,000/- on 04/03/2016 and balance of Rs.20,000/- on 07/03/2016 and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru, who registered case in Cr.No.05/2016 and took up investigation and on 04/03/2016, DGO-2 was caught red handed while demanding and accepting illegal gratification of Rs.30,000/- from the complainant in his office on the instructions of DGO-1 and the said amount was seized by the Investigating Officer and the DGOs 1 and 2 have failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O, and thereby failed to maintain absolute integrity and devotion to duty, the act which is unbecoming of a Public Servant and thereby committed mis-conduct as enumerated under Regulation 3(1)(i) to (iii) of KEB (Conduct) Regulations.?

2. What findings?

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11. (a) The disciplinary authority has examined Sri. Thimoticharls/complainant as PW-1, Sri. Rathan Kumar/Panch Witness as PW2, Sri.A.B.Hiregowdar/Investigating Officer as PW3 and got exhibited Exp1 to 24 on it's behalf.

(b) The DGO-2 got himself examined as DW1 and got exhibited 2 documents on his behalf.

(c) Since DGO-1 has not adduced evidence by examining himself, incriminating circumstances which appeared against him in the evidence of PWs 1 to 3 are put to him by way of questionnaire.

(d) Since DGO-2 has adduced evidence by examining himself, incriminating circumstances which appeared against him in the evidence of PWs 1 to 3 are not put to him by way of questionnaire and same is dispensed.

12. Heard both side arguments and perused the written arguments submitted by the DGO1 & 2 and all the documents.

13. The answers to the above points are:

1. In the Affirmative.

2. As per final findings for the following:-

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**REASONS**

**14. Point No.1:-** (a) P.W.1/complainant Sri. Thimothycharls has deposed in his evidence that he is the Managing Director of Traegen Systems Private Limited, HBR Layout, Bengaluru. The said business is retail business of musical instruments and audio equipments. That he was the Managing Director in the said company since 2013. That he received a notice dated 20/01/2016 from Legal Metrology Department signed by DGO-2, as Inspector in the said department. That the notice was about certain violations of the Legal Metrology Act and he gave a reply to the said notice through his Advocate, Comandar A.K.George on 01/02/2016.

PW1 further stated on 01/03/2016, he received a phone call to his land phone from DGO-2, instructing him to appear on 03/03/2016 at 10:00 a.m in their office situated in Ali Asgar road, Bengaluru. That accordingly he appeared on 03/03/2016 and he was asked whether he was appearing for accused No.1 i.e., his company or accused No.2, Shiva musicals. That he stated that he was appearing for accused No.1 only. That he met the DGO-1, working as Assistant controller in the said department and the DGO-1 told him that if the offence has to be compounded, it will cost Rs.25,000/-. That he said that, he was denying the charges and DGO-1 said that, it will cost Rs.1,00,000/- for closing the matter without compounding. When he said that the amount is too high, DGO-1 agreed for Rs.50,000/-. That he told that, he has to arrange the amount.

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PW1 further stated that on 04/03/2016, he went to the Lokayukta Police with complaint as per Ex.P-1 along with complaint he also gave the copy of notice as well as reply to the notice as per Ex.P-2 and Ex.P-3 respectively. That his complaint was registered and the Police Inspector, Sri.Allamaprabhu introduced him to panch witnesses, Sri.Gangadhar and Sri.Ratan Kumar. That the said police inspector explained about the complaint to the said two panch witnesses. In the afternoon of 04/03/2016, in his office, he called the DGO-1 and said that he was not able to arrange Rs.50,000/-. That DGO-1, asked to at least arrange Rs. 30,000/- and asked to pay the balance of Rs. 20,000/- Monday i.e., on 07/03/2016. That he recorded the said conversation in his mobile, transferred to his laptop and burnt to CD and he gave the said CD to the police along with complaint Ex.P-1.

PW1 further stated that the Police asked him to arrange Rs.30,000/-. That he withdrew Rs. 30,000/- from the ATM and gave it to the police inspector to lay the trap. That the said Rs. 30,000/- contained 57 notes of Rs. 500/- each and 15 notes of Rs. 100/- each. That the police prepared the list of the currency notes and obtained the signatures of the panch witnesses on the same as per Ex.P-4. That the police got applied phenolphthalein powder to all the notes and Sri.Gangadhar kept the said notes in his right side pant pocket after ascertaining that there is no other money in the said pocket. The sodium carbonate solution was prepared and Gangadhar's fingers were dipped in the solution and

  
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the solution turned to pink colour and the police took sample of the same. That the police gave instructions to him to pay the amount, only if demanded and Ratan Kumar was asked to accompany him as driver and also instructed him to give signal by scratching head with right hand, after DGOs accept the amount. That the police gave him voice recorder and told him to switch it on while meeting the DGOs. The police drew pre-trap panchanama as per Ex.P-5 and played the CD that he had given along with complaint in presence of panch witnesses, and transcribed the same. The police had videographed the pre-trap proceedings and the panch witnesses have signed the Ex.P-5 pre-trap mahazar and all of them left the Lokayukta Police station.

PW1 further deposed that he went in his car and the Lokayukta police were following him. They reached near the DGO's office in 10 minutes. That he had called the DGO-1 and had informed him that he will be reaching late and the DGO-1, Bhaskar Rao told him that, he will be waiting. That he and Ratan Kumar went to meet DGO-1 and he had switched on the voice recorder. That when he went to DGO-1's chamber he was not there, so he called him on his cell phone and he told that he is coming and immediately came to his chamber on the ground floor from upstairs. That he told DGO-1 that he could arrange only Rs. 30,000/- and balance Rs. 20,000/-, he will pay later. Further stated that he asked whether the receipt will be given and DGO-1 said that he will see and he also told that he has to make adjustments, as other people pay the amount without any bargaining. That DGO-1 had told the shadow witness,

  
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Ratan Kumar to go outside, prior to the above talks and told him to wait outside and he called DGO-2 to come to his chamber. That DGO-2 came there in about 10 minutes and seeing him he entered DGO-1's chamber along with DGO No.2. That he gave the tainted amount of Rs. 30,000/- removing it from his right side pant pocket to the DGO-1 and he took the same with his right hand and immediately returned to him and told him to give it to DGO-2. That he followed to the chamber of DGO-2, which was adjacent to DGO-1's chamber. That he gave the amount to DGO-2 in the chamber of DGO-1.

PW1 further deposed that DGO-2 took the amount with his right hand and went to his chamber and DGO-1 asked him to go to DGO-2's chamber. That he asked DGO-2 whether any receipt will be given for which he said no receipt will be given and asked him to come on following Monday with the remaining amount. That he saw DGO- 2 keeping the amount in his cupboard which was in his chamber. That he came near the entrance of the chamber and gave signal by wiping his head with right hand.

PW1 further deposed that the police came there. That when he gave the amount to DGO- 2, said Ratan Kumar was watching from outside, as the doors of the chambers were open. DGO- 2 had gone into the chamber of the DGO-1. The I.O. entered the DGO-1's chamber and introduced himself to the DGOs and he told everything to the I.O. and showed DGO-1 and 2 to the I.O. and gave the voice recorder to the I.O. That the police prepared sodium carbonate solution. The hands of the DGO-1 were washed in the

  
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solution separately. The right hand wash of the DGO-1 changed to pink colour and the left hand wash of the DGO-1 did not change colour. PW1 further deposed that the police also got the hands of DGO- 2 washed in the solution separately. The solution turned to pink colour. The police took samples of the same and seized it. That the police asked him about the amount and he told them that DGO-2 has kept it in his cupboard in his chamber. The police and panch witnesses and DGO-2 went to the DGO-2's chamber and DGO- 2 opened the cupboard and removed the money and came to the chamber of DGO -1. That the panch witnesses checked with the list of the currency notes and found the same tallying and the police seized the money.

PW1 further deposed that the police recovered his documents from DGO-2 and also took copy of attendance register. That DGO- 1 had signed in the attendance register and DGO-2 had not signed in it and DGO- 2 said that he was deputed for duty in Vidhana Soudha, therefore he has not signed the attendance register and the letter deputing DGO-2 for said work was also seized by the police.

PW1 further deposed that the police took explanations from DGO-1 and 2 and they gave explanation that, he is not authorized to compound. The police prepared rough sketch of the spot. That they all came to the police station. That the I.O. called the Assistant Controller of Legal Metrology, Sri.Mohammad Anwar to the police station and played the voice recorder and the said Mohammad identified the voice of DGO-1 and 2. That the contents

  
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of the voice recorder were transcribed and burnt to CD and drew panchanama and took signatures of the panch witnesses as per Ex.P-6. PW1 identified DGO- 1 and 2.

(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW1 to discredit his testimony or put forth his defence.

15. (a) PW2/shadow witness Sri Rathankumar has deposed in his evidence that on 04/03/2016, he was informed to go to Lokayukta office and when he went there at 2:00 p.m, the I.O, complainant and one Gangadhar and other staff were present. That the I.O introduced them to him and told that complainant is running music company and he has received notice from metrology department that there is violation of law and he has given reply to the notice and later on he was called to the office to close the case and when he enquired about this he came to know that they were demanding money of Rs. 50,000/- to close the case and not willing to pay the bribe amount the complainant had lodged the complaint against the DGOs. That the complainant had brought only Rs. 30,000/- and told that he has got that much only to the I.O.

P.W2 further stated that the complainant had brought Rs. 100/- 15 notes and Rs. 500/- 57 notes and the I.O. got the serial number of the notes entered in the computer and got printout of the said sheet as per Ex.P-4. That the I.O. smeared

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phenolphthalein powder on the notes and asked the other panch witness to count it and asked him to keep the tainted notes in the right side pant pocket of the complainant. Later on the I.O. got prepared sodium carbonate solution and washed the hands of the panch witness and the solution turned to pink colour and the I.O. seized the sample of the same and conducted mahazar in this regard. That the I.O. gave voice recorder to the complainant and gave instructions to on the recorder while entering the office of DGO and also told him not to touch the amount and give it to the DGO. Further the I.O. instructed him to accompany the complainant and watch the proceedings. The I.O. played the recorder produced by the complainant before them and got it burnt to CD and transcribed the recordings. That the I.O. conducted mahazar in this regard and he has identified his signature in the mahazar as per Ex.P-5.

PW2 further stated that the I.O. parked the vehicle at some distance from the office. The I.O. repeated the instructions to him and PW-1 and asked PW-1 to give the bribe amount only if demanded by DGO and later on after acceptance to give signal by wiping his head. That he was asked to accompany him stating that he was his driver. That they went inside DGO's office and DGO-1 was not present, so PW-1 was about to call DGO-1 and by the time DGO-1 came to the office and he was asked to stand near the road. That the DGO-1 and PW-1 were talking and later on PW-1 came outside and told that the assistant of DGO-1 i.e., DGO-2 has to come. That DGO-1 called DGO-2 and he came after 10 minutes.

  
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PW-1 went to DGO-2 chamber and after 2 to 3 minutes he came out and wiped his head. That the I.O came with the panch witness and other staff. The I.O. showed his ID card to DGOs 1 and 2 and explained the purpose of his coming and he identified the DGO-1 and 2.

PW2 further deposed that the I.O enquired PW-1 and PW-1 told that he has given the tainted amount to DGO-2 on the say of DGO-1. The I.O. enquired DGO-2 who gave the amount which was on his drawer and the I.O asked the other panch witness to count the notes and the notes were tallied with the sheet which was prepared at the time of pre-trap mahazar Ex.P-4. PW2 further deposed that the I.O. got prepared sodium carbonate solution and took it's sample and got both hands of DGO-2 washed in the said solution. Both hand wash solution turned to pink colour. Later on the I.O. washed hands of DGO-1 in sodium carbonate solution. The right hand wash solution of DGO-1 turned to pink colour and the left hand wash solution did not change the colour. The I.O. has seized samples of the above solution and tainted notes. The I.O. has enquired DGO-2 about the documents pertaining to PW-1. The I.O. seized the receipt given by DGO-2. The I.O. seized the attendance register extract of DGO-1 and DGO-2's attendance register extract was not available. PW2 further deposed that the I.O. called the higher officer of DGO-1 and 2 and brought all of them to the Lokayukta office at 8:00 p.m. The I.O. played the voice recorder before the higher officer of the DGOs and all of them. The higher officer identified the voice of DGOs in the conversation. The

  
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recordings was burnt to CD and was transcribed in their presence. The I.O. has arrested DGOs 1 and 2 and taken them to custody. The I.O. conducted post trap mahazar in this regard as per Ex.P-6 and he identified his sign in the said mahazar.

PW2 further stated that on 05/07/2016 again he was called to Lokayukta office and DGOs, another panch witness Gangadhar were present. The I.O. has informed them that he has taken the sample voice of DGOs. The I.O. asked DGOs to talk and the witness identified the transcription which was spoken by DGOs. The same was recorded and was burnt to CD and I.O has seized the CD and conducted mahazar in this regard from 1:30 p.m to 3:30 p.m. as per Ex.P-7.

(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW2 to discredit his testimony or put forth his defence.

16. (a) PW3 PW3/I.O. Sri. Allamaprabhu Basangaowda Hiregowndar has deposed that he has worked as Police Inspector in Karnataka Lokayukta, Benglauru from 15/05/2015 to 14/02/2019. That on 04/03/2016, at 4:30 p.m. complainant/PW-1 came to his police station and lodged complaint that DGO-1 working as Assistant Controller of Legal Metrology and DGO-2 working as Inspector of Legal Metrology are asking bribe of Rs. 50,000/- or else it would increase to Rs. One lakh if notice is

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issued and to set right the said notice issued with respect to the instrument sold in the Traegen Systems Private Limited run by the complainant. That after bargain it was agreed that complainant would pay Rs. 30,000/- and later on after the notice was set right he will pay Rs. 20,000/-. PW3 has further stated that he received the complaint as per Ex.P-1 and registered the same as crime number 5/2016 for offences u/s 7 of P.C.Act, 1988, after confirming the contents of the tape recorder and he identified the attested copy of the complaint and his signature on the same per Ex.P-8. That he sent the said complaint and FIR along with the documents in closed envelope to the jurisdictional court. That he secured 2 panch witnesses, PW-2 and CW-3, by sending requisition to Director, RDPR, M.S.Building and Manager, BESCO, K.R.Circle. The panch witnesses reported before him at about 05:10 p.m. and he introduced himself and PW-1 to them and briefed them about the contents of the complaint and gave copy of complaint to them to read and verify the same and they have agreed to act as witnesses. That PW-1 gave him 57 notes of Rs. 500/- each and 15 notes of Rs. 100/- each i.e., total Rs. 30,000/- to lay the trap and he got the number of the currency notes noted by his staff and he got phenolphthalein powder applied to both sides of the currency notes through his staff and he got the same kept in the front right side pant pocket of PW-1 through CW-3 and got sodium carbonate solution prepared through his staff and took sample of the same and also sample of the sodium carbonate powder and the phenolphthalein powder. That he got the hands of CW-3 washed in sodium carbonate solution and the solution

  
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turned to pink colour and he took sample of the same and he told PW-1 and 2 and CW-3 about the reaction between phenolphthalein powder and sodium carbonate solution. That PW-1 gave a CD which contained the recordings of conversation between him and DGO-1 and he played the CD before the panchas and the conversation tallied with the recordings in the mobile and he got it transferred to another CD through computer and got it transcribed and seized it as per Ex.P-9.

PW3 further deposed that he gave voice recorder to PW-1, and instructed him to switch on while meeting the DGOs. That he also instructed him to pay the amount only on demand by the DGOs, and after acceptance, give signal by wiping his head. That he instructed PW-2 to follow PW-1 and act as shadow witness. That all of them washed their hands thoroughly with soap and he has taken video of the entire proceedings. That he drew pre-trap mahazar from 05:15 p.m to 06:00 p.m. and identified the signatures of witnesses on it as per Ex.P-5. Further stated that all of them left near the office of DGOs.

PW3 further deposed that they reached there at about 06:15 p.m, and stopped the vehicle at a distance from office of the DGO's and he repeated his instructions to PW-1 and 2. That he sent PW-1 to the office of the DGO-1 and also sent one of his staff to observe the signal and to report them. That after sometime at 6:35 p.m, the staff who was deputed there reported them that PW-1 came out of the office and gave signal by wiping his head. That all of them went near PW-1 and he took them inside where the DGO-1 and

  
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DGO2 were there and PW-1 showed them DGO-1 and DGO-2 and told that, when PW-1 asked about his work, DGO-1 demanded money and PW-1 gave him the money and DGO-1 received the tainted money with his right hand and gave it to DGO-2 who in turn received it and kept it in the drawer of the table. That he showed his identity card to DGO-1 and DGO-2 and told them the purpose for coming, and asked them to co-operate. PW3 has further deposed that he got sodium carbonate solution prepared in 2 bowls through his staff and took sample of the same and got both the hands of DGO-2 dipped in separate 2 bowls having the solution and the solution in both the bowls turned to pink colour and he took sample of the same. That again he got sodium carbonate solution prepared in 2 bowls through his staff and took sample of the same and got the right hand of DGO-1 dipped in the solution and the solution turned to pink colour and he took sample of the same. That he enquired DGO-2 about the tainted notes and he removed it from the drawer and gave it to him and he seized the amount from DGO-2 and the said notes were tallying with the numbers of the notes mentioned in pre-trap panchanama.

PW3 further stated that he asked the DGO-2 about the file of PW-1 and DGO-2 gave the documents and he seized the same after obtaining the copies as per Ex.P-10. That he has taken the attendance register extract of DGO-1 from him as per Ex.P-11 and he has taken the copy of the deputation order of DGO-2 as per Ex.P-12 and informed the senior officers of DGO- 1 and 2 about the raid and arrested DGO- 1 and 2 and followed the arrest procedure.

  
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That he prepared rough sketch of the spot as per Ex.P-13 and took video of the trap proceedings and has conducted trap proceedings upto 7:30 p.m. that since, the environment was not suitable to continue the trap panchanama he brought PW-1, 2 and CW-3, DGOs 1 and 2 and his staff to Lokayukta police station, Bengaluru.

PW3 further stated that he took the voice recorder from PW-1. and got the same played in presence of panch witnesses, Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) and transcribed the same and transferred it to CD. That in the conversation at the time of trap, there was demand and acceptance of bribe and he identified the attested copy of transcription as Ex.P-14. Further stated that Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) have identified the voice of DGOs 1 and 2. That he took the explanation from DGOs 1 and 2 as per Ex.P-15 and Ex.P-16 and he drew trap mahazar from 08:30 p.m to 12:00 p.m. as per Ex.P-6 and he identified the signatures on the same. He arrested DGOs 1 and 2 and followed the arrest procedure and produced them before the jurisdictional court.

PW3 further stated that on 05/03/2016, he has taken the statement of the witnesses and on 08/03/2016 he has received certificate under 65-B of Evidence Act from the complainant as per Ex.P-17 and on 07/04/2016 he has received the service details of DGOs 1 and 2 from his office as per Ex.P-18 and on 09/06/2016 he received the FSL report from DySp as per Ex.P-19. PW3 further

  
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stated that on 05/07/2016, he called the panchas and DGO- 1 and DGO- 2 to the police station and selected lines from the transcription and took the voice sample of DGO-1 and DGO-2 and conducted mahazar in this regard as per Ex.P-7 and he has submitted certificate under 65-B of Evidence Act from the complainant as per Ex.P-20.

PW3 further stated that on 03/08/2016 he got the sketch prepared from PWD Engineer as per Ex.P-21 and on 23/11/2016 he received CDRs of complainant as per Ex.P-22 and they revealed the conversations between PW-1 and DGO-1 and DGO- 2 on different dates and he has taken the statement of witnesses and further statement of the witnesses. PW3 further stated that on 20/06/2017 he received FSL report of voice sample as per Ex.P-23 and it is opined by the expert that since the voice sample of DGO-2 could not be opened they could not give opinion with respect to voice sample of DGO-2. That he filed the charge sheet against DGO-1 & DGO-2 after obtaining sanction and identified DGO-1 and DGO-2 present.

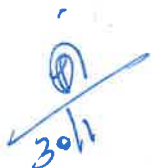
(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW3 to discredit his testimony or put forth his defence.

17. The DGO2 in order to prove his defence has got himself examined as DW1 and filed his affidavit in lieu of his chief examination and reiterated the written statements and

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further got marked ExD1 xerox copy of Certificate under Section 65(B) of the Indian Evidence Act-1972 and Ex.D2 xerox copy of transcription of the conversation between complainant and DGO on 04/03/2016.

18. On perusal of documents, evidence of P.W.1/complainant, P.W.2/ Shadow witness, PW3/Investigating Officer it reveals that on 04/03/2016, at 4:30 p.m. complainant/PW-1 lodged complaint that DGO-1 working as Assistant Controller of Legal Metrology and DGO-2 working as Inspector of Legal Metrology are asking bribe of Rs. 50,000/- or else it would increase to Rs. One lakh if notice is issued and to set right the said notice issued with respect to the instrument sold in the Traegen Systems Private Limited run by him and on bargain have agreed to receive Rs. 30,000/- and later on after the notice was set right to pay Rs. 20,000/- as per Ex.P-1 and PW3/ I.O. registered the case and secured 2 panch witnesses i.e., PW-2 and CW-3, and they reported before him at about 05:10 p.m. and he introduced himself and PW-1 to them and briefed them about the contents of the complaint and and they have agreed to act as witnesses. Further their evidence reveals that PW-1 gave him 57 notes of Rs. 500/- each and 15 notes of Rs. 100/- each i.e., total Rs. 30,000/- to lay the trap and PW3 got the number of the currency notes noted by his staff and he got phenolphthalein powder applied to both sides of the currency notes through his staff and he got the same kept in the front right side pant pocket of

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PW-1 through CW-3 and got sodium carbonate solution prepared through his staff and took sample of the same and got the hands of CW-3 washed in sodium carbonate solution and the solution turned to pink colour and he took sample of the same and he told PW-1 and 2 and CW-3 about the reaction between phenolphthalein powder and sodium carbonate solution. Further their evidence reveals that PW-1 gave a CD which contained the recordings of conversation between him and DGO-1 and he played the CD before the panchas and the conversation tallied with the recordings in the mobile and he got it transferred to another CD through computer and got it transcribed and seized it as per Ex.P-9 and PW3 gave a voice recorder to PW-1 and instructed him to switch on while meeting the DGOs and also instructed him to pay the amount only on demand by the DGOs and after acceptance, give signal by wiping his head and instructed PW-2 to follow PW-1 and act as shadow witness and drew pre-trap mahazar as per Ex.P-5.

19. Further their evidence reveals that all of them left near the office of DGOs. and they reached there at about 06:15 p.m, and stopped the vehicle at a distance from office of the DGO's and PW3 repeated his instructions to PW-1 and 2 and sent PW-1 to the office of the DGO-1 and also sent one of his staff to observe the signal and to report them and after some time PW-1 came out of the office and gave signal by wiping his head and PW3 along with CW2 and his staff went near PW-1 and he took them inside where the DGO-1 and DGO2 were there and PW-1 showed them and told that, when

  
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PW-1 asked about his work, DGO-1 demanded money and PW-1 gave him the money and DGO-1 received the tainted money with his right hand and gave it to DGO-2 who in turn received it and kept it in the drawer of the table. Further their evidence reveals that PW3 showed his identity card to DGO-1 and DGO-2 and told them the purpose for coming, and asked them to co-operate and got sodium carbonate solution prepared in 2 bowls through his staff and took sample of the same and got both the hands of DGO-2 dipped in separate 2 bowls having the solution and the solution in both the bowls turned to pink colour and he took sample of the same. Further their evidence reveals that PW3 again got sodium carbonate solution prepared in 2 bowls through his staff and took sample of the same and got the right hand of DGO-1 dipped in the solution and the solution turned to pink colour and he took sample of the same and he enquired DGO-2 about the tainted notes and he removed it from the drawer and gave it to him and he seized the amount from DGO-2 and the said notes were tallying with the numbers of the notes mentioned in pre-trap panchanama.

20. Further their evidence reveals that PW3 asked the DGO-2 about the file of PW-1 and DGO-2 gave the documents and he seized the same after obtaining the copies as per Ex.P-10 and he has taken the attendance register extract of DGO-1 from him as per Ex.P-11 and he has taken the copy of the deputation order of DGO-2 as per Ex.P-12 and informed the senior officers of DGO- 1 and 2 about the raid and since, the environment was not suitable

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to continue the trap panchanama he brought PW-1, 2 and CW-3, DGOs 1 and 2 and his staff to Lokayukta police station, Bengaluru.

21. Further their evidence reveals that PW3 took the voice recorder from PW-1. and got the same played in presence of panch witnesses, Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) and got it transcribed as Ex.P-14 and got the same transferred to CD and in the conversation at the time of trap, there was demand and acceptance of bribe and Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) have identified the voice of DGOs 1 and 2 and he took the explanation from DGOs 1 and 2 as per Ex.P-15 and Ex.P-16 and he drew trap mahazar as per Ex.P-6.

22. It is pertinent to note here that PW1 /complainant and PW2/ shadow witness have deposed that DGO-1 asked PW2 to go outside the chamber and PW2 was outside the chamber of DGO-1 and DGO-2 and he cannot say what conversation took place between DGO-1 and PW-1. It is pertinent to note here that though PW2 has not heard the talk of PW1 and DGO1, the evidence of PW1/ complainant is clear with respect to demand and acceptance of bribe by the DGO-1 & 2. Nothing material is elicited from cross examination of PW1 to PW3 by the DGO's counsel to discredit their testimony with respect to conducting pre-trap mahazar as per Exp5 and trap mahazar as per Exp6.

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23. The defence of DGO 1 & 2 is that DGO-1 had issued notice as per Ex.P-2 to complainant and the complainant in order to compound his case has come to the chamber of DGO-1 on 04/03/2022 and given Rs. 30,000/- for compounding the offence and DGO-1 after receiving it from complainant has given it to DGO-2 and told him to generate bill and DGO2 went to his chamber to open e-mapan software to do the further proceedings of compounding and kept the amount on the table. That while DGO-2 was generating the bill for the fine amount given by complainant by that time complainant abruptly left his chamber before he completing the process of generating the bill and getting the digital signature of DGO-1 and came with PW-3/I.O and told that they are trapped. Further DGO 1 & 2 have given explanation as per ExP15 & 16 respectively with respect to possession of tainted notes wherein they stated that they have received Rs 30,000/- towards fine amount on compounding the case of PW1 That he had to deposit the same in the cash counter and it was closed. That they had received the amount to generate the bill in E-Mapan. Hence intentionally with a malafide intention the complainant has filed false case against them. From the above evidence it can be inferred that DGO 1 & 2 have received Rs.30,000/- from the complainant on 04/03/2016. Further the contention of DGO 1 & 2 is that it was towards payment of fine amount for compounding the case of the complainant. This fact is specifically denied by PW1/complainant and PW3/ shadow witness in their cross

  
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examination by the DGOs counsel and nothing is elicited from them in support of the defence of the DGOs and to disbelieve the evidence of PW1 & PW3. As such it can be construed that it is the after thought of DGO 1 & 2 to escape from the admission made in Exp15 & 16 and their evidence cannot be believed and they have not adduced clear, cogent and consistent evidence to prove their defence.


24. It is pertinent to note here that DGO's have admitted that they have received Rs 30,000/- tainted notes from PW1 on that day towards fine amount as per Exp15 & 16. Further DGO-2 except his self serving evidence he has not adduced clear, cogent and convincing evidence on his behalf to prove his defence. DGO-1 has not stepped into the witness box and adduced evidence to prove his defence. As such their defence cannot be believed and their explanation i.e., Exp15 & 16 clearly corroborate the case of the Disciplinary Authority.

25. It is not in dispute that DGO-2 has issued notice to complainant as per Exp2 for violation of Legal Metrology Act 2009 and the legal metrology (package commodity rules, 2007) and DGO-2 has given notice in this regard to the complainant. Further DGO-1 has admitted that he is the compounding authority and PW1 had approached him for compounding his case. In this case the complainant has lodged complaint that DGO1 & 2 have demanded amount for closing his case. Exp15 & 16 explanation of DGO 1 & 2 clearly goes to show that complainant came to their chamber in their office on 04/03/2016

  
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and gave Rs 30,000/- and they have received the amount towards fine for compounding his case.

26. It is pertinent to note here that in the cross-examination of DW-1 he has admitted that he has given notice as per Ex.P-2. Further he has admitted that one Sri.Shivarudrappa is working as Deputy Controller (Admin), Central office, Legal Metrology Department, Bengaluru and one Mohammad Anwar was working as Assistant Controller (Technical), Central office, Bengaluru at that time. Further he has admitted that the said Mohammad Anwar has signed and given report as per Ex.P-24. On perusal of Ex.P-24, it reveals that Mohammad Anwar was working as Assistant Controller (Technical), Central office, Bengaluru and he has given statement to PW-3/I.O that he was called by the I.O. and voice recordings of DGOs 1 and 2 was played before him and he has identified their voice and the I.O./PW3 has enquired him about the documents pertaining to PW-1/complainant and on perusal of the same he has stated that DGO-2 has issued notice to PW-1/complainant who is the Director of TRAGENT SYSTEMS PVT LTD, for violation of the Legal Metrology Act, 2009 and Legal Metrology (Packaged commodity) Rules, 2011. That on verifying the said documents in the said case the seized articles were related to international transactions and according to PW-1/complainant there were 2 Directors so, DGOs 1 and 2 have to impose Rs. 25,000/- penalty for accused no 1/ Importer/ M/s. TRAGENT SYSTEMS PRIVATE LIMITED, Rs. 25,000/-each for each Directors of the said company and in total Rs. 75,000/- penalty was

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to be recovered. Further, he has stated that the DGOs 1 and 2 can get the information of the number of Directors of the company through online. Though they had asked about number of Directors they could have ascertained the same and could have recovered the total fine amount and give receipt for the same. From the above statement marked at Ex.P-24 it reveals that DGOs 1 and 2 had to collect Rs. 75,000/- fine amount from PW-1/complainant. But, they have received Rs. 30,000/- from him on 04/03/2016 and they have taken up defence that the said Rs. 30,000/- is received for deposit of fine amount for compounding the case by the complainant. The Ex.P-2 notice also does not reveals the exact amount of fine to be levied on the complainant. Further, when the fine to be imposed is Rs. 75,000/- on compounding the case then collecting Rs. 30,000/- towards fine cannot be accepted because the DGOs cannot reduce the fine amount which is fixed by the law. This clearly goes to show that the there was demand of illegal gratification made by the DGO 1 & 2 for official favour.

27. It is pertinent to note here that the complainant/PW-1 has produced the recordings of the conversation taken place between complainant and DGO-1 prior to trap at the time of pre-trap mahazar conducted on 04/03/2016 and the transcription is marked as Ex.P-9. On perusal of the transcription of the voice recorder the conversation clearly goes to show the demand of Rs 50,000/- by the DGO-1 from the complainant with respect to closing his case and on bargain has agreed for payment of Rs 30,000/-bribe and asked PW1

  
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to send balance Rs 20,000/- on Monday. Further the recordings at the time of trap proceedings is transcribed as per Exp14. This also reveal the demand and acceptance of amount by DGO1 & 2 from the complainant. The said recordings have been played before panchas and one Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) Bengaluru, who are the higher officer of DGO 1 & 2 and they have identified the voice of DGO1 & 2 recorded during trap and prior to trap proceedings. As such all these proceedings goes to show that the DGO has demanded bribe from the complainant.

28. During evidence PW4 he has referred to Ex P5, Exp6, Exp9 & Exp14. It is in his evidence that on 04/03/2016 he conducted trap mahazar the attested copy of which is at Ex.P6 and during the said mahazar, he took the voice recorder from PW1 and he called one Shivarudrappa S/o. Ramappa, Deputy Controller (ADMIN) and Mohammad Anwer, Assistant Controller (Technical division) Sri Bengaluru, who are the higher officer of DGO 1 & 2 and played the same, in their presence and they have identified the voice of the DGO-1 & 2 recorded during trap and prior to trap. That he burnt the conversation to CD and transcribed the same as per Ex.P-9 & Exp14.

PW3 has also produced certificate under 65-B of Evidence Act from the complainant as per Ex.P-17 and further stated that on 05/07/2016, he called the panchas and DGO- 1 and DGO- 2 to the police station and selected lines from the transcription and took the voice sample of DGO-1 and DGO-2 and conducted mahazar in this

  
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regard as per Ex.P-7 and he has submitted certificate under 65-B of Evidence Act from the complainant as per Ex.P-20. PW3 further stated that on 23/11/2016 he received CDRs of complainant as per Ex.P-22 and they revealed the conversations between PW-1 and DGO-1 and DGO- 2 on different dates and on 20/06/2017 he received FSL report of voice sample as per Ex.P-23 and it is opined by the expert that since the voice sample of DGO-2 could not be opened they could not give opinion with respect to voice sample of DGO-2. But the sample voice of DGO-1 matched the voice of DGO-1 in the recordings in CD. Therefore, from the above evidence the contents of Ex.P-9 & Exp14 can be pressed into service in which it is seen that DGO1 & 2 demanded illegal gratification. Therefore, it needs to be inferred that acceptance of cash by the DGO 1 & 2 from the complainant to close the case of Complainant/PW1 who was running musical instrument company who had approached them in pursuance of notice issued by DGO-2 for violation of Legal Metrology Act 2009 and the legal metrology (package commodity rules, 2007) attracts misconduct and since the said work was to be done by DGO 1 & 2 they must have insisted to fulfill the demand for illegal gratification. In these circumstances, the DGO 1 & 2 have not placed any material to lend assurance to the defence put forward by them.

29. Nothing is found in the evidence of PW1 to PW3 that DGO 1 & 2 herein were not found in possession of tainted cash. In these circumstances, the DGO 1 & 2 have not lead clear, cogent and

  
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convincing evidence to lend assurance to the defence put forward by them and would not lend support to their defence.

30. It is well settled that in the criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry of this nature. In order to establish the charge 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, prosecution has to establish demand and acceptance of illegal gratification in order to extend official favour. Mere possession of tainted cash in the absence of demand will not attract the charge 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. Evidence of PW1 establishes demand of bribe by DGO1 & 2. Evidence of PWs 1 to 3 establishes possession of tainted cash by DGO1 & 2. Evidence of PWs 1 to 3 establishes change of colour of finger wash of DGO1 & 2 and also recovery of tainted cash from the possession of DGO-2. Further Exp19 i.e., FSL report reveals the presence of phenolphthalein in the right and left hand wash of DGO-2 and right hand wash of DGO-1 and currency notes which corroborates the case of the disciplinary authority. Mere possession of tainted cash in the absence of satisfactory explanation attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules,


  
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1966. In the presence of evidence of PWs 1 to 3 as discussed above I am not persuaded to accept the defence put forward in the course of written statement and also contentions raised in the course of written argument of DGO.

31. From the evidence of P.W.1 complainant, PW2 shadow witness and PW3 Investigating Officer the disciplinary authority has proved the pre-trap mahazar proceedings as per Ex.P5 and trap proceedings as per Ex.P6. Except minor discrepancies which does not go to the root of the Disciplinary Authority case, nothing material is elicited from the cross examination of PW1 to PW3 to discredit their testimony with respect to conducting of trap proceedings i.e., Pre-trap mahazar Ex.P5 and post trap mahazar Ex.P6.

32. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W1 to PW3, Ex.P1 to Exp24, as reasoned above, proves that the DGO 1 & 2 had demanded and accepted bribe of Rs.30,000/- from P.W.1/complainant on 04/03/2016. The disciplinary authority has proved the charges against the DGOs. The DGO No.1 & 2 have committed misconduct, dereliction of duty acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of K.C.S. Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative**.

  
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33. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

### **FINDINGS**

The disciplinary authority has proved the charges against the D.G.O.No1 & 2.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter.

  
30/1/23  
**(J.P. Archana)**

Additional Registrar (Enquiries-11),  
Karnataka Lokayukta,  
Bangalore.

### **ANNEXURES**

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

PW1:- Sri. Timothycharles.  
PW2:- Sri. Rathan Kumar  
PW3:- Sri. Allamaprabhu Basanagouda Hiregowdar.

List of witnesses examined on behalf DGO:-

DW1:- Sri.H.K.Anandakumar(DGO-2)

  
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List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Certified copy of complaint dated 04/03/2016.
Ex P2	Certified copy of Notice dated 20/01/2016 addressed to M/s Tregen Systems Pvt. Ltd., Bengaluru
Ex P3	Certified copy of letter of Commander A.K.George, IN (Retd) Advocate.
Ex P4	Certified copy of list of currency notes in Cr. No.5/16.
Ex.P5	Certified copy of pre-trap mahazar dated 04/03/2016.
Ex P6	Certified copy of trap panchanama dated 04/03/2016.
Ex P7	Certified copy of sample voice collection panchanama dated 05/07/2016.
Ex P8	Certified copy of FIR in Cr. No.05/2016.
Ex 9	Certified copy of phone conversation with Bakar Rao in Cr. No. 05/2016 dated 04/03/2016.
Ex 10	Certified copy of panchama of articles seized and detailed under section 15 of Legal Metrology Act, 2009.
Ex P11	Certified copy of extract of attendance register for the month of march 2016.
Ex P12	Certified copy of office order dated 25/02/2016.
Ex P13	Certified copy of sketch.
ExP14	Certified copy of Conversation of DGOs 1 and 2 and PW1 in Cr. No.05/2016 dated 04/03/2016.
Ex P15	Certified copy of statement of DGO-1 dated 04/03/2016.
Ex P16	Certified copy of statement of DGO-2 in Cr. No.05/2016 dated 04/03/2016.
Ex.P17	Certified copy of statement under section 65(B) of Indian Evidence Act.
Ex.P18	Certified copy of service particulars of

  
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	DGO-1 Sri. S.V. Bhaskar Rao and DGO-2 Sri. H.K.Anandkumar.
Ex.P19	Certified copy of Chemical Examiner's Report dated 18/03/2015.
Ex.P20	Xerox copy of affidavit under Indian Evidence Act of PI, KLA M Bengaluru City Div. Bengaluru.
Ex.P21	Certified copy of sketch by T.S.Prasanna Kumar, AE in Cr.No.05/2016 with call list recordings.
Ex.P22	Certified copy of Certificate u/s 65-B of the Indian Evidence Act.
Ex.P23	Certified copy of letter of State Forensic Science Laboratory, Madiwala Bengaluru City dated 16/06/2017 in Cr.No.05/2016.
Ex.P24	Certified copy of letter of Police Inspector, KLA City Div. Bengaluru dated 04/03/2017 addressed to Sri. Shivarudrappa Bin Ramappa, Dy.Controller (Admn.) Central Office, Legal Metrology Department, Bengaluru.

List of documents marked on behalf of Defence:-.

Ex D1	Xerox copy of certificate u/s 65(B) of Indian Evidence Act, 1872 dated 08/03/2016.
Ex.D2	Xerox copy of conversation between complainant and DGOs 1 and 2 dated 04/03/2016.

  
(J.P.Archana)

Additional Registrar (Enquiries-11),  
Karnataka Lokayukta, Bangalore.