

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ:ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-A/405/2013/ಎಆರ್‌ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 26ನೇ ಜುಲೈ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ಆರ್.ನಾಗರಾಜ್,  
ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಬಿದರಹಳ್ಳಿ, ಬೆಂಗಳೂರು (ಪ್ರಸ್ತುತ  
ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಚೇರಿ, ವಿಟ್ಟ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ)  
ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಕಂಇ 35 ಮುನೋಸೇ(2) 2013  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20/09/2013.  
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ  
ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ, ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-  
A/405/2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 15/10/2013.  
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ  
ದಿನಾಂಕ: 20/07/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 20/09/2013 ರಂತೆ ಶ್ರೀ ಕೆ.ಆರ್.ನಾಗರಾಜ್,  
ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಬಿದರಹಳ್ಳಿ, ಬೆಂಗಳೂರು (ಪ್ರಸ್ತುತ ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಚೇರಿ, ವಿಟ್ಟ,  
ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ) (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ

‘ಆ.ಸ.ನೌಕರರು’ ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-A/405/2013 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 15/10/2013ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-3 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ: ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-A/2014, ದಿನಾಂಕ: 14/03/2014ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರನ್ನು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ನಡೆದಿದೆ ಎನ್ನಲಾದ ದುರ್ನಡತೆ ಅರೋಪಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ನಡೆಸಲು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ಆರ್.ನಾಗರಾಜ್, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಬಿದರಹಳ್ಳಿ, ಬೆಂಗಳೂರು (ಪ್ರಸ್ತುತ ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಚೇರಿ, ವಿಟ್ಲ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ) ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

### **ANNEXURE-1**

#### **CHARGE:**

That you DGO Sri.K.R.Nagaraju, Sub-Registrar's Office, Vitla, Dakshina Kannada District (working then in Bidarahalli, Bangalore) while discharging your duties:

- (a) The complainant, being an Advocate, got registered sale deeds of his clients namely, Sri Rajendra Babu, Smt. Kamala and Smt. Mythlie Greetina in Bidarahalli Sub-Registrar office i.e., in the DGO's office on 09/12/2010. Thereafter, you

DGO asked him to pay Rs.10,000/- for each sale deed to get back those registered sale deeds.

(b) Even on 14/12/2010, when he negotiated with you DGO and requested to give back said sale deeds, you DGO demanded Rs.25,000/- totally for said three sale deeds and asked to pay that amount to one Sri. Srinivas of his office.

(c) Not only that, after approaching Lokayukta Police, when he came to the office of you DGO, who was not present in the office then, had asked complainant to pay (bribe) amount in the hands of said Sri. Srinivas when contacted (DGO) over mobile/phone of said Sri. Srinivas and thereafter said Sri.Srinivas took the tainted (bribe) amount from him, but that Srinivas ran out of the said office when the I.O. wanted to apprehend.

(d) Even there are statements of witnesses, including complainant, besides collected records, mahazars etc., concerning to said matter submitted by the I.O., which show said repeated misconduct of you DGO.

and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ,




ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ಆರ್.ನಾಗರಾಜ್, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಬಿದರಹಳ್ಳಿ, ಬೆಂಗಳೂರು (ಪ್ರಸ್ತುತ ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಚೇರಿ, ವಿಟ್ಲ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ) ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ನಾಲ್ಕು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-4 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-14 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಕೆ. ಆರ್.ನಾಗರಾಜ್, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಬಿದರಹಳ್ಳಿ, ಬೆಂಗಳೂರು (ಪ್ರಸ್ತುತ ಉಪನೋಂದಣಾಧಿಕಾರಿ ಕಚೇರಿ, ವಿಟ್ಲ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ) ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

6. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.



(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-1,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.

**KARNATAKA LOKAYUKTA**

NO. LOK/INQ/14-A/405/2013/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 20/07/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against  
Sri. K.R.Nagaraju, Sub-Registrar, Sub-  
Registrar's Office, Vitla, Dakshina Kannada  
District (working then in Bidarahalli,  
Bangalore) -reg.

Ref: 1. Report under section 12(3) of the KLA Act.  
1984 in No.Compt/Uplok/BCD/214/  
2013/ARE-10, dated:31/07/2013.

2. Order No. ಕಂಇ 35 ಮುನೋಸೇ(2) 2013, ಬೆಂಗಳೂರು,  
ದಿ:20/09/2013.

3. Nomination Order No. LOK/INQ/14-  
A/405/2013, Bengaluru, dated  
15/10/2013.

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1. The Departmental Enquiry is initiated against Sri. K.R.Nagaraju, Sub-Registrar, Sub-Registrar's Office, Vitla, Dakshina Kannada District (working then in Bidarahalli, Bangalore) (hereinafter referred to as the Delinquent Government Officials, in short DGO) on the basis of the complaint dated 05/01/2011. The allegation in the complaint is that Sri. K.R.Nagaraju while working as Sub-Registrar of Bidarahalli Sub-Registrar Office at Bengaluru in the



year 2011, that the complainant being an Advocate got registered sale deeds of his clients namely, Sri. Rajendra Babu, Smt. Kamala and Smt. Mythlie Greetina in Bidarahalli Sub-Registrar office i.e., in the DGO's office on 09/12/2010. Thereafter, DGO asked him to pay Rs.10,000/- for each sale deed to get back those registered sale deeds and on 14/12/2010 on bargain DGO reduced the bribe amount to Rs.25,000/-.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Bengaluru Rural Division lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Bengaluru Rural Division (hereinafter referred to as "Investigating Officer". On the said complaint Investigating Officer registered case in Cr.No.01/2011 against the DGO 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 05/01/2011 when complainant came to the office of DGO, DGO was not present in the office then, had asked complainant to pay (bribe) amount in the hands of Sri. Srinivas when contacted DGO over mobile/phone of said Sri. Srinivas and thereafter said Sri.Srinivas took the tainted (bribe) amount from him, but that Srinivas ran out of the said office when the I.O. went to apprehend him. That Srinivas and DGO have failed to give satisfactory or convincing explanation in this regard, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

  
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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, and other documents, found prima facie case and forwarded report dated 31/07/2013 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO 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 20/09/2013 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 15/10/2013, nominated Additional Registrar Enquiries-03 to conduct the enquiry. As per order of Hon'ble Upalokayukta-1 dated:14/03/2014 this file was transferred to ARE-11.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

**ANNEXURE-1**

**CHARGE:**

That you DGO Sri.K.R.Nagaraju, Sub-Registrar's Office, Vitla, Dakshina Kannada District (working then in Bidarahalli, Bangalore) while discharging your duties:

A handwritten signature in blue ink, followed by the date '20/7' written below it.

- (a) The complainant, being an Advocate, got registered sale deeds of his clients namely, Sri Rajendra Babu, Smt Kamala and Smt. Mythlie Greetina in Bidarahalli Sub-Registrar office i.e., in the DGO's office on 09/12/2010. Thereafter, you DGO asked him to pay Rs.10,000/- for each sale deed to get back those registered sale deeds.
- (b) Even on 14/12/2010, when he negotiated with you DGO and requested to give back said sale deeds, you DGO demanded Rs.25,000/- totally for said three sale deeds and asked to pay that amount to one Sri. Srinivas of his office.
- (c) Not only that, after approaching Lokayukta Police, when he came to the office of you DGO, who was not present in the office then, had asked complainant to pay (bribe) amount in the hands of said Sri. Srinivas when contacted (DGO) over mobile/phone of said Sri. Srinivas and thereafter said Sri.Srinivas took the tainted (bribe) amount from him, but that Srinivas ran out of the said office when the I.O. wanted to apprehend.
- (d) Even there are statements of witnesses, including complainant, besides collected records, mahazars etc., concerning to said matter submitted by the I.O., which show said repeated misconduct of you DGO.

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and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

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

**ANNEXURE-II**

**STATEMENT OF IMPUTATION OF MISCONDUCT:**

On the basis of a report of the Additional Director General of Police in Karnataka Lokayukta at Bangalore, filed with papers of investigation made by the Police Inspector in Karnataka Lokayukta at Bangalore Rural District (herein after referred to as Investigating Officer-'I.O.' for short), stated that Sri.K.R.Nagaraju, Sub-Registrar's Office, Vitla, Dakshina Kannada District (working then in Bidarahalli, Bangalore), being a public/Government servant, has committed misconduct, when approached by Sri. Babu Abel - Advocate R/o Ramamurthynagar in Bangalore (herein after referred to as 'Complainant' for short) an investigation was taken up U/s 9 of the Karnataka Lokayukta Act, after invoking power vested U/s 7 (2) of that Act.

  
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2) **Brief facts of the case are :-**

- (a) According to the complaint : The complainant, being an Advocate, got registered sale deeds of his clients namely, Sri Rajendra Babu, Smt. Kamala and Smt. Mythlie Greetina in Bidarahalli Sub-Registrar office i.e., in the DGO's office on 09/12/2010. Thereafter, DGO asked him to pay Rs.10,000/- for each sale deed to get back those registered sale deeds.
- (b) Even on 14/12/2010, when he negotiated with DGO and requested to give back said sale deeds, DGO demanded Rs.25,000/- totally for said three sale deeds and asked to pay that amount to one Sri. Srinivas of his office.
- (c) Not only that, after approaching Lokayukta Police, when he came to the office of DGO, who was not present in the office then, had asked complainant to pay (bribe) amount in the hands of said Sri.Srinivas when contacted (DGO) over mobile/phone of said Sri.Srinivas and thereafter said Sri.Srinivas took the tainted (bribe) amount from him, but that Srinivas ran out of the said office when the I.O. wanted to apprehend.
- (d) Even there are statements of witnesses, including complainant, besides collected records, mahazars etc., concerning to said matter submitted by the I.O., which show said repeated misconduct of DGO.

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- 3) Said facts supported by the material on record show that the DGO, being a public servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.
- 4) Therefore, an investigation was taken up against the DGO and an observation note was sent to them to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against them in the matter. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings.
- 5) Since said facts and material on record prima facie show that the DGO has committed misconduct under Rule 3 (1) of the KCS Conduct Rules, 1966, recommendation is made under Section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

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- 6) The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.
8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before the ARE-11 on 16/08/2014 and engaged advocate for defence on 11/09/2014. In the course of first oral statement of the DGO recorded on 16/08/2014 he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/07/2032.**
9. The DGO has filed his written statement denying the allegations made in the articles of charge and statement of imputations of misconduct. DGO further contended that, on the recommendation made by the Hon'ble Upalokayuktha the Government has passed an order, authorizing the Upalokayuktha to conduct the enquiry, the said order is neither legal nor proper, since no power is vested under the Lokayuktha Act for the Hon'ble Upalokayuktha to make any recommendation nor on such recommendation, government is vested with the power to authorize the Hon'ble Upalokayuktha to hold an enquiry and in turn the Hon'ble Upslokayuktha referring ARE-11 to conduct the enquiry. Hence the entire process of

  
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conducting the enquiry is illegal and not clothed with the legal authority to frame the article of charges.

DGO further submits that, the Hon'ble Upalokayukta has no power under the Act of the Karnataka Lokayuktha to make any recommendation regarding departmental enquiry or direct the enquiry officer to conduct the enquiry, hence the present enquiry is illegal without authority of law and the Lokayuktha police just for statistical purpose have registered the case and concocted trap panchanama for the purpose of the case.

DGO further submits that, he has been made a scapegoat and victim of circumstance for no fault of his and even though the material collected by the I.O clearly shows that the DGO never abused his position in discharge of duty, the said fact has been deliberately suppressed only for statistical purpose and concocted story has been built up knowing fully well that at no point of time the DGO demanded any money nor there was any occasion to demand and accept amount from the complainant.

DGO further submits that, the trap mahazar discloses that there is no clinching evidence placed by the prosecution department to show that the DGO has demanded or accepted any illegal gratification to show official favour, there is absolutely no any criminal intent or mensrea or dishonest intention made out against the DGO.

DGO further submits that, the complainant advocate has no locus standi to file the complaint. Since the documents in question

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pertain to one Rajendra Babu, Smt Komala and Smt Mythile Greetina. The documents pertaining to the said persons were already registered on 09/12/2010 i.e., much prior to the date of the complaint and the question of handing over the documents who is an advocate not a party to the sale deed legally and factually does not arise. The allegations of demand on 09/12/2010 and 10/12/2010 made by the complainant who is an advocate who has nothing to do with receiving the documents in question which has already been registered by the parties concerned with the sub registrar on 09/12/2010 itself legally and factually does not arise and there is absolutely no occasion for the DGO to make any demand that to from an advocate who has no locus standi to receive registered documents.

DGO further submits that, no official favour was pending with and he had no power and no work of the complainant for which he could have shown official favour, hence there was absolutely no motive on the part of the DGO, when such is the case, abusing position of public servant is lacking, question of misconduct under the facts of the case and in view of the law on the point legally and factually does not arise absolutely no case of misconduct would ever be made out against the DGO.

DGO further submits that, no case of misconduct at all is made out and the present departmental enquiry is not clothed with the legal authority to conduct the enquiry, more over since the DGO has always acted with absolutely integrity and devotion to duty and never behaved in a manner unbecoming of a

  
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Government servant, hence question of committing misconduct much less under rule 3(1)(1) & (III) of KCS (CONDUCT) Rules, 1966 or any other rules will not arise.

DGO further submits that, since the Lokayuktha police have investigated the case, question of conducting suo moto enquiry into an investigation already done by Lokayuktha police in law under facts does not arise and no such power is vested under the Karnataka Lokayuktha Act.

DGO further submits that, since the case is registered by the Lokayuktha police the investigation, trap mahazar everything is prepared by the Lokayuktha police only to a make out a case, the departmental enquiry is also conducting by the officers of the Lokayuktha and also in the office of the Lokayuktha the atmosphere and the surrounding circumstances. Since the entire enquiry including service of the summons to witness are by constable of the Lokayuktha police and Lokayuktha officials it is hard to expect fair enquiry and principles of natural justice and fair enquiry will be violated. Hence the DGO does not have confidence in the manner in which an incompetent officer who ordered an enquiring and the circumstances and the manner in which enquiry is started and going to proceed does not at all inspire any confidence in the mind of DGO.

DGO further submits that, since Spl.CC.No. 02/2013 on the file of the Principal District and sessions Judge at Bangalore Rural District, regarding the very same charge is pending, if the DGO were to disclose all the defense there is every likelihood of

  
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tampering with the evidence and threatening the DGO with a fear of departmental enquiry and also prevent him from disclosing the truth. Hence there is no congenial atmosphere to conduct a fair and impartial departmental enquiry, which may ultimately effect the ongoing trial and future of DGO will be affected and he will be prevented from proving his defense.

DGO further submits that, moreover as per the Karnataka Civil Service Rules to hold or not to hold an enquiry completely vests with the Government no power is vested in the Lokayuktha act, to step into the shoes of disciplinary authority and tried to clutch at the jurisdiction not vested in the act, which is legally impermissible. 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 leveled 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 K.R.Nagaraju while working as Sub-Registrar in Bidarahalli, Bengaluru Rural District during the year 2011, that the complainant being an Advocate got registered sale deeds of his clients namely, Sri. Rajendra Babu, Smt. Kamala and Smt. Mythlie Greetina in Bidarahalli Sub-Registrar office i.e., in the DGO's office on 09/12/2010 and DGO asked him to pay**

  
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Rs.10,000/- for each sale deed to get back those registered sale deeds and on 14/12/2010 on bargain DGO reduced the amount to Rs.25,000/- and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Bengaluru Rural Division, who registered case in Cr.No.01/2011 and took up investigation and on 05/01/2011 when complainant came to the office of DGO, DGO was not present in the office, when contacted DGO over mobile/phone of said Sri. Srinivas then DGO had asked complainant to pay (bribe) amount in the hands of Sri. Srinivas and thereafter said Sri.Srinivas took the tainted (bribe) amount from him, but that Srinivas ran out of the said office when the I.O. wanted to apprehend him. Srinivas and DGO have failed to give satisfactory or convincing explanation in this regard, when questioned by the said I.O. and by this the DGO has 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?

2. What findings?

  
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11. (a) The disciplinary authority has examined Sri.Muralidhar C/ Shadow Witness as PW-1, Sri.Dharshan/Panch Witness as PW-2, Sri.Babu Abel/Complainant as PW-3 and Sri.K.P.Satyanarayana/Investigating Officer as PW-4 and got exhibited Ex.P-1 to 14 on it's behalf.

(b) The DGO has not examined himself and not got exhibited any documents.

(c) Since DGO has not adduced evidence by examining himself or anybody, incriminating circumstances which appeared against him in the evidence of PWs 1 to 4 are put to him by way of questionnaire.

12. Heard both side arguments and perused the written argument filed by the counsel for the DGO and all the documents.

13. The answers to the above points are:

1. In the Negative.
2. As per final findings for the following:-

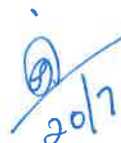
**REASONS**

14. **Point No.1:-** (a) PW-1/Shadow Witness Sri.Muralidhar C. has deposed in his evidence that, he was working as FDA in RDPR Department in the year 2011. That on 05/01/2011 at 2.00 p.m. he along with one Darshan went to lokayukta police station and

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complainant was present there and he came to know that the complainant was advocate. He came to know that complainant had lodged complaint against Sub-Registrar, Bidarahalli for demanding bribe. That he had recorded the conversation in voice recorder and I.O. has played the same before them. That complainant produced Rs.25,000/- to I.O. to lay the trap. That I.O. got smeared phenolphthalein powder on the currency notes and got it kept in the left side of the coat pocket of the complainant through Darshan. That his hands were washed in the sodium carbonate solution and it turned to pink colour and I.O. has seized the sample of the same and has conducted pre-trap mahazar with respect to the above proceedings as per Ex.P-1.

PW-1 further deposed that, later on all of them left the lokayukta police station and went near Sub-Registrar Office, Bidarahalli and reached there at 4.00 p.m. That he and complainant went inside the office and one Srinivas was there and complainant talked with the said Srinivas and he contacted DGO through mobile and DGO told him to receive the amount and give the documents. That the complainant gave notes to Srinivas and he received the same and kept it in the left side shirt pocket and that the said Srinivas told one woman staff to give the documents to the complainant and she told that since there is no delivery note she cannot give the documents. That Srinivas told her that DGO had told to give the said documents and the lady gave documents to complainant and the complainant removed his black coat and kept it on the left forearm. That I.O. and Darshan came inside the

  
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office and Srinivas fled from the spot and escaped. That DGO was not present in the office. The I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-2 and has prepared rough sketch of the spot as per Ex.P-3.

PW-1 further deposed that, later on all of them turned to lokayukta police station. I.O. has played voice recorder before them and got it transcribed as per Ex.P-4. That on 19/03/2012 I.O. called him and Darshan to lokayukta police station and Srinivas was present there. That he identified the said Srinivas and I.O. has drawn mahazar in this regard as per Ex.P-5. That the said Srinivas was the person who had received the amount in the Sub-Registrar Office, Bidarahalli.

15. (a) PW-2/Panch Witness Sri.Darshan has deposed in his evidence that, he was working as SDA in RDPR Department and on 05/01/2011 he along with PW-1 reported before lokayukta police on 11.00 a.m. and the I.O. and complainant were present there. That he came to know that complainant has lodged complaint against the DGO for demanding bribe for giving copy of the agreement. That I.O. played the contents of the recordings and made them hear the same. The complainant had produced 8 notes of Rs.1,000/- denomination and 30 notes of Rs.500/- denomination to the I.O. to lay the trap. That he noted the numbers of the notes in a sheet. The I.O. got phenolphthalein powder smeared on the currency notes and he has kept the tainted notes in the left side pocket of the black coat of the complainant.

  
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I.O. got his hands washed in one solution and it turned to pink colour and I.O. has seized the sample of the same and has conducted pre-trap mahazar with respect to the above proceedings as per Ex.P-1. That I.O. has got written the contents of the voice recorder in the mahazar. The I.O. instructed complainant to go to the DGO and give the amount only on demand and after acceptance give signal by putting his black coat on the left forearm.

PW-2 further deposed that, all of them left the lokayukta police station and reached Sub-Registrar office, Bidarahalli at 4.00 p.m. That complainant and PW-1 went inside the Sub-Registrar office and after 20 minutes he and I.O. went inside the office, the staffs of the Sub-Registrar office were present and Srinivas and DGO were not present. That I.O. seized the documents and has drawn trap mahazar with respect to the above proceedings as per Ex.P-2. That complainant told him that as per the instructions of DGO he has given amount to Srinivas and the DGO told one lady staff to give receipt to the complainant. That the complainant told I.O. that after receiving the tainted notes the Srinivas fled from the spot. The I.O. has taken photos of the spot and after two months the I.O. has called him to lokayukta police station that Srinivas was present there and PW-1 identified him and told that he has received the amount from complainant. That the I.O. has drawn mahazar in this regard as per Ex.P-5. That I.O. has taken explanation of Srinivas and arrested him.

  
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PW-2 further deposed that, after two and half months the I.O. as called him and PW-1 to lokayukta police station and DGO was present and I.O. has taken the statement of DGO.

16. (a) PW-3/Complainant, Sri.Dabu Abel has deposed in his evidence that, on 05/01/2010 at 10.30-11.00 a.m. he has given written complaint as per Ex.P-6 before Lokayukta Police Bengaluru City Division. That he had been to Sub-Registrar office, Bidarahalli for registering 3 documents and the DGO had demanded bribe of Rs.10,000/- each for registering those documents i.e., Rs.30,000/- bribe amount. That again on 14/12/2010 he went to DGO and after bargain DGO reduced the bribe amount to Rs.25,000/-. That he has recorded the conversation between himself and DGO in the voice recorder which was given by P.I., Satyanarayana I.O. That he has given voice recorder to I.O. along with Ex.P-6 complaint. I.O. has called for Muralidhar and Darshan as panch witnesses and played the voice recorder before them and got it burnt to CD and he has produced 8 notes of Rs.1,000/- denomination and 34 notes of Rs.500/- denomination total Rs.25,000/- before the I.O. to lay the trap. That Darshan noted the number of notes in sheet of paper as per Ex.P 7 and I.O. got phenolphthalein powder smeared on either side of the notes and Darshan has kept those notes in the left side pocket of his black coat. I.O. got prepared sodium carbonate solution and took sample of the same and got the hands of Darshan washed in the solution and it turned to pink colour and I.O. has seized the sample of the same. That I.O. has

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instructed him to give amount only on demand by the DGO and I.O. has drawn pre-trap mahazar in this regard as per Ex.P-1. That I.O. instructed him to give signal by putting his black coat on the left forearm after acceptance of the bribe amount by DGO.

PW-3 further deposed that, later on all of them left the lokayukta police station and reached Sub-Registrar Office, Bidarahalli at 4.00 p.m. That he and PW-1 went inside the office and DGO was not present. That one Srinivas called DGO through his mobile and he told that DGO has instructed him to pay the amount to him that there was a room resembling kitchen in the office and he gave the amount in that room. That the said Srinivas received the amount and kept it in the upper pocket of his shirt and he came out of the room and told one Nagamma to give the documents to him. That he removed his black coat and kept it on the left forearm, seeing that Srinivas fled from the spot. Later on I.O. and his staff came inside and he told them about the happenings. That I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-2. That later all of them returned to lokayukta police station.

PW-3 further deposed that, after one month he was called to the lokayukta police station and Srinivas and DGO were present there and panch witness, PW-1 and 2 were also present. That he has identified Srinivas and DGO before the I.O. and I.O. as drawn mahazar in this regard as per Ex.P-5. That he has given copy of 3 sale deeds pertaining to his clients to the I.O. as per Ex.P-8 to 10.

  
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17. (a) PW-4/Investigating Officer, Sri.K.P.Satyanarayana has deposed in his evidence that, he was working as Police Inspector in Lokayukta Police Station, Bengaluru Rural Division in the year 2011 for 7 months. That on 05/01/2011 at 12.45 a.m. the complainant appeared before Bengaluru Rural Police and lodged complaint against the DGO stating that he is demanding bribe amount as per Ex.P-6. That on the basis of the complaint the lokayukta police bengaluru rural division have registered the case in Cr.No.01/2011 under sec 7, 13(1)(d) R/w 13(2) of P.C. Act and prepared FIR as per Ex.P-11 and forwarded it to the Prinicipal District and Session Judge, Bengaluru Rural. That later on he called for the panchas Muralidhar and Darshan and asked them to act as panch witnesses and co-operate in the investigation. That complainant produced 8 notes of Rs.1,000/- denomination and 34 notes of Rs.500/- denomination total Rs.25,000/- before him to lay the trap. That number of the notes were noted in the computer in a sheet as per Ex.P-7. That the complainant has produced one CD containing conversation between complainant and DGO which contained the voice of complainant, DGO and Srinivas with respect to demand of bribe. That he has seized the same. That he got phenolphthalein powder smeared on the either side of the currency notes and got it kept on the left side coat pocket of complainant through shadow witness. That he got prepared sodium carbonate solution through his staff and has taken the sample of the same. That the panch witnesses counted the currency notes and he got the hands of the panch witnesses washed in the sodium carbonate

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solution and it turned to pink colour. That he has seized the sample of the solution. That he instructed the complainant to give the tainted notes only on demand by DGO and after acceptance to give signal by putting his coat on the left forearm. That he instructed shadow witness to accompany complainant and watch what transpires between the complainant and DGO. That later on all of them washed their hands and he has drawn pre-trap mahazar with respect to the above proceedings as per Ex.P-1.

PW-4 further deposed that, all of them left lokayukta police station and reached Sub-Registrar office, Bidarahalli at 4.00 p.m. as per the instructions the complainant and shadow witness went inside the Sub-Registrar office and he and panch witness were waiting for them outside the office. That at 4.10 p.m. complainant came out of the office and removed his coat and gave signal. That he and panch witness and other staffs immediately went inside and on enquiry to complainant he told that DGO was not present there and Assistant of DGO who is private person by name Srinivas called the DGO through mobile and DGO asked him to give the amount to Srinivas. So, he gave the tainted notes to Srinivas. That the said Srinivas received the tainted notes and kept it in his shirt pocket and asked the lady staff to give the documents and the lady staff told that since there is no delivery note she cannot give documents for which Srinivas made sign to that lady and told that DGO had asked to give the documents to the complainant. That later on the lady gave the documents to the complainant and immediately Srinivas fled from the spot. That the

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shadow witness also reiterated the same facts. That he has drawn rough sketch of the spot and has drawn trap mahazar with respect to the above proceedings as per Ex.P-2.

PW-4 further deposed that, on 27/01/2011 DGO appeared before him after obtaining anticipatory bail and he has called for the witness Vishwanath and T.V.Johnson Antony and briefed them about complaint and the contents of the CD produced by the complainant. That in order to identify the voice of the DGO he has made the DGO to read the transcription three times and he has recorded his voice and later on burnt it to CD and he has drawn mahazar in this regard as per Ex.P-12. That he made the DGO read the transcription of the recordings produced at the time of pre-trap mahazar and recorded the same and burnt it to CD and got it transcribed as per Ex.P-13 and after arresting the DGO he has released him on bail.

PW-4 further deposed that, he has sent CD to the FSL and has received report as per Ex.P-14. That he has got the sketch of the spot prepared through PWD Engineer and received the same.

PW-4 further deposed that, he has taken the statement of complainant, shadow witness, panch witness and his staff and other witnesses and has also taken the further statement of complainant, shadow witness and panch witness. That on 11/02/2011 he called the DGO to his office and has taken the details of his mobile. That later on he was transferred from

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Bengaluru Rural Division, so he has handed over the charge to P.I. Nagaraj who has conducted further investigation.

18. On over all evaluation of the oral and documentary evidence adduced by both the parties, it reveals that PW-3/Complainant has lodged complaint on 05/01/2011 as per Ex.P-6 stating that DGO being Sub-Registrar, Bidarahalli Office has demanded bribe of Rs.30,000/- i.e., Rs.10,000/- each to give the registered sale deed of his clients which was registered on 09/12/2010 and on bargain has reduced the amount to Rs.25,000/- on 14/12/2010 and he has told him to pay the amount to one Srinivas. PW-4/I.O. has registered the complaint and has called for panchas PW-1 and 2. PW-3 has produced 8 notes of Rs.1,000/- denomination and 34 notes of Rs.500/- denomination total Rs.25,000/- before PW-4 to lay the trap and PW-4 has got phenolphthalein powder smeared to those currency notes and got it kept in the black coat of PW-3/complainant through panch witness and got his hand washed in sodium carbonate solution and it turned to pink colour and he has seized the sample of the same and instructed PW-3/complainant to give the amount to DGO only on demand and after acceptance to give signal by putting his black coat on his left forearm and instructed PW-1 to act as shadow witness. Further the evidence of PW-1 to 4 reveals that PW-4 has played the voice recorder produced by PW-3/complainant and got it transcribed and burnt it to CD and PW-4 has conducted pre-trap mahazar with respect to the above proceedings as per Ex.P-1.

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19. Further the evidence of PW1 to PW4 reveals that all of them left the lokayukta police station and reached Sub-Registrar office at 4.00 p.m. Further the evidence of PW-1/shadow witness and PW-3/complainant reveals that they went inside the office of DGO and found that DGO was not present in the office and one Srinivas was present and he told PW-3/complainant that DGO has asked him to receive the amount from him. As such PW-3 has given the tainted notes to him. After giving the tainted notes PW-3 has put his coat on the left forearm and by the time I.O. and his staff came inside Srinivas has fled from the spot.
20. Admittedly DGO was not present in the office at the time of trap and DGO has not called PW-3/complainant and told him to give the tainted notes to Srinivas. According to PW-1 and 3 it is Srinivas himself who has told to PW-3/complainant that DGO has asked him to give the amount to him. As such there is no evidence to connect DGO that he demanded bribe from complainant and received through Srinivas. More over the tainted notes is not recovered from Srinivas and there is no hand wash of Srinivas done in sodium carbonate solution as he has fled from the spot according to the disciplinary authority case. In the absence of the recovery of the tainted notes and recordings to show DGO has demanded bribe amount and asked PW-3/complainant to give it to Srinivas, there is no iota of evidence placed by disciplinary authority to connect DGO that he has demanded bribe amount and received it through one Srinivas. As such the disciplinary authority has miserably failed to prove the demand and

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acceptance of bribe amount by DGO through Srinivas by placing clear, cogent and convincing evidence.

21. It is forth coming from the evidence of PW4/I.O. that on 05/01/2011 the complainant has produced one CD containing conversation between complainant and DGO which contained the voice of complainant, DGO and Srinivas with respect to demand of bribe. That he has seized the same and got it transcribed as per Ex.P4 and burnt it to CD. Further PW4/I.O. has deposed that on 27/01/2011 DGO appeared before him after obtaining anticipatory bail and he has called for the witness Vishwanath and T.V.Johnson Antony and briefed them about complaint and the contents of the CD produced by the complainant. That in order to identify the voice of the DGO he has made the DGO to read the transcription three times and he has recorded his voice and later on burnt it to CD and he has drawn mahazar in this regard as per Ex.P-12. That he made the DGO read the transcription of the recordings produced at the time of pre-trap mahazar and recorded the same and burnt it to CD and got it transcribed as per Ex.P-13 and he has sent the CD to the FSL and has received report as per Ex.P-14.
22. The DGO has specifically denied that I.O. has not recorded his voice and has not drawn mahazar as per Ex.P-12. The disciplinary authority has not examined the panch witnesses Vishwanath and T.V.Johnson Anthony to prove the contents of Ex.P-12 mahazar. Further Ex.P-12 mahazar does not bear the signature of the DGO to show his presence.

  
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23. Further there is no section 65 (B) Certificate issued by PW3/complainant with respect to the above C.D. In the absence of compliance of section 65 (B) of Evidence Act the same is not admissible and cannot be relied upon. On the basis of the transcription at Ex.P-4, it is contended that the DGO had demanded bribe from complainant during his talk with complainant. In respect of C.D which was transmitted from voice recorder, no certificate under section 65 (B) of Indian Evidence Act is obtained. Further there is no section 65 (B) Certificate issued by PW3/complainant with respect to the above C.D. In the absence of compliance of section 65 (B) of Evidence Act the same is not admissible and cannot be relied upon. In respect of sample voice of DGO. Certificate under section 65 (B) of Indian Evidence Act is not issued by PW4/I.O. and as such this C.D without such certificate is not admissible in evidence.
24. In a decision reported in 2014 AIR SCW 5696 (Anvar P.V. V/s P.K. Bhasheer and others) Hon;be Supreme Court in para No.22 has held as under:
- 22.... An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under section 65B are satisfied. Thus, in the case of CD VCD Chip etc., the same shall be accompanied by the certificate in term of section 65B obtained at the time of taking the document, without which, the secondary evidence pertaining to the electronic record, is inadmissible”.

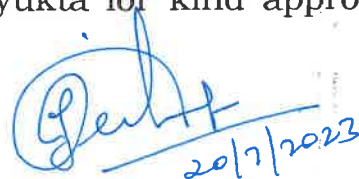
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25. In respect of CD as there is no 65(B) certificate, it is inadmissible and report given as per Ex.P14 on the basis of CD is also inadmissible. For all these reasons, recordings in CD and report of FSL as per Ex.P-14 are not helpful to disciplinary authority case to prove alleged demand of bribe by DGO on 14/12/2010.
26. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 4, Ex.P-1 to P-14, as reasoned above, not proved that the DGO had demanded and accepted bribe of Rs.25,000/- from the complainant on 05/01/2011. The disciplinary authority has not proved the charges against the DGO. Accordingly, this point is answered in the Negative.
27. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

### **F I N D I N G S**

The disciplinary authority has not proved the charges against the DGO.

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



**(J.P. Archana)**

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

**ANNEXURES**

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

PW1:- Sri. Muralidhara C.  
 PW2:- Sri. Darshan  
 PW3:- Sri. Babu Abel  
 PW4: Sri. K.P.Satyanarayan

List of witnesses examined on behalf of the Defence:-

NIL

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Attested copy of pre-trap mahazar dated 05/01/2011.
Ex P2	Attested copy of trap mahazar dated 05/01/2011.
Ex P3	Attested copy of rough sketch of the spot.
Ex P4	Attested copy of Transcription.
Ex P5	Attested copy of mahazar dated 19/03/2012.
Ex P6	Attested copy of complaint dated 05/01/2011.
Ex P7	Attested copy of another list of currency notes dated 05/01/2011.
Ex P8 to 10	Attested copy of 3 Sale deeds pertaining to PW-1
Ex P11	Attested copy of FIR in Cr.No.08/2014
Ex P12	Attested copy of mahazar dated 27/01/2011.
Ex P13	Attested copy of transcription of DGO
Ex P14	Attested copy of Chemical Examiner's report.

  
 (J.P.Archana)

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