



## ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-2/ಡಿಇ/6/2018/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ  
ಬೆಂಗಳೂರು-560001  
ದಿನಾಂಕ:30-08-2023

### -:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಶ್ರೀ.ಅಶೋಕ್ ಟಿ.ಜೆ., ಹಿಂದಿನ ಮುಖ್ಯಾಧಿಕಾರಿ, ಪಟ್ಟಣ  
ಪಂಚಾಯಿತಿ, ಶೃಂಗೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ  
ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ.ನಅಇ 58 ಡಿಎಂಕೆ 2017,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04/10/2017 ಹಾಗೂ ಇದರ  
ತಿದ್ದುಪಡಿ ಆದೇಶ ದಿ:26-12-2017.  
2) ಉಪಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ,  
ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ  
ಸಂ.ಉಪಲೋಕ್-2/ಡಿಇ/6/2018, ಬೆಂಗಳೂರು,  
ದಿ:04/01/2018.  
3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ  
ವರದಿ ದಿ:28/08/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ:04/10/2017 ಹಾಗೂ ಇದರ ತಿದ್ದುಪಡಿ ಆದೇಶ  
ದಿ:26-12-2017 ರಂತೆ ಶ್ರೀ.ಅಶೋಕ್ ಟಿ.ಜೆ., ಹಿಂದಿನ ಮುಖ್ಯಾಧಿಕಾರಿ, ಪಟ್ಟಣ  
ಪಂಚಾಯಿತಿ, ಶೃಂಗೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ  
ನೌಕರರು/ಅಧಿಕಾರಿ ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು  
ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ  
ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

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2. ಈ ಸಂಸ್ಥೆಯು ನಾಮನಿರ್ದೇಶನದ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2 /ಡಿಇ/6/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04/01/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ 'ಆ.ಸ.ನೌಕರರ' ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ.ಅಶೋಕ್ ಟಿ.ಜೆ., ಹಿಂದಿನ ಮುಖ್ಯಾಧಿಕಾರಿ, ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ, ಶೃಂಗೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

**ANNEXURE No.I**  
**CHARGE**

ಫಿರ್ಯಾದಿಯಾದ ಶೃಂಗೇರಿ ಪಟ್ಟಣ ನಿವಾಸಿಯಾದ ರತ್ನಾಕರ ರವರ ತಾಯಿಯಾದ ಶ್ರೀಮತಿ ಗುಲಾಬಿ ಎಂಬವರು 30 ವರ್ಷಗಳ ಹಿಂದೆ ಅವರಿಗೆ ಶೃಂಗೇರಿ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಭಾಗ್ಯ ಮಂದಿರ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದ ನಿವೇಶನದಲ್ಲಿ ಮನೆ ನಿರ್ಮಿಸಲು ಪಡೆದುಕೊಂಡಿದ್ದು ಆ ಸಂಬಂಧ ಸದರಿ ಆಸ್ತಿಯ ದಾಖಲಾತಿಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡುವಂತೆ ನಿಮ್ಮನ್ನು ಫಿರ್ಯಾದಿಯು ಕೋರಿದ್ದು ಆ ಬಗ್ಗೆ ಸಾಲ ಮತ್ತು ಬಡ್ಡಿ ಸೇರಿ ಒಟ್ಟು ರೂ.6,500/- ಗಳನ್ನು ಪಾವತಿ ಮಾಡಬೇಕಾಗಬಹುದೆಂಬುದಾಗಿ ನೀವು ದಿನಾಂಕ: 19/02/2015 ರಂದು ಶೃಂಗೇರಿ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಕಛೇರಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಗೆ ತಿಳಿಸಿ ಆ ಸಂಬಂಧ ದಾಖಲಾತಿಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡಲು

ರೂ.3,000/- ಗಳನ್ನು ಲಂಚದ ರೂಪದಲ್ಲಿ ಆ ದಿನ ಕೊಡುವಂತೆ  
ಒತ್ತಾಯಿಸಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ  
ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ  
ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (ii) ರಿಂದ  
(iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು  
ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ.ಅಶೋಕ್ ಟಿ.ಜೆ., ಹಿಂದಿನ  
ಮುಖ್ಯಾಧಿಕಾರಿ, ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ, ಶೃಂಗೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ  
ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು  
'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

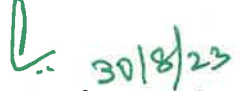
5. ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು  
ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ  
ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ  
ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-3 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ, ನಿಶಾನೆ ಪಿ-1  
ರಿಂದ ಪಿ-16 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ  
ತಮ್ಮನ್ನು ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಎಂದು ಸಾಕ್ಷಿಯನ್ನಾಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡು,  
ನಿಶಾನೆ ಡಿ-1 ರಿಂದ 3 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

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6. 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.ಅಶೋಕ್ ಟಿ.ಜೆ., ಹಿಂದಿನ ಮುಖ್ಯಾಧಿಕಾರಿ, ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ, ಶೃಂಗೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

  
(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)  
ಉಪಲೋಕಾಯುಕ್ತ-2  
ಕರ್ನಾಟಕ ರಾಜ್ಯ

**KARNATAKA LOKAYUKTA**

NO. UPLOK-2/DE/6/2018/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 28/08/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Ashok T.J., the then Chief Officer (First Division Assistant), Pattana Panchayathi, Sringeri, Chikkamagaluru District (now retired) -reg.

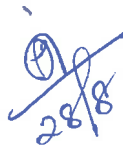
Ref: 1. Report under section 12(3) of the KLA Act. 1984 in No.Compt/Uplok/MYS/120/2017/DRE-1, dated:22/03/2017.

2. Order No. ನಅಇ 58 ಡಿಎಂಕೆ 2017, ಬೆಂಗಳೂರು, ದಿ:04/10/2017 and its corrigendum dated 26/12/2017.

3. Nomination Order No. UPLOK-2/DE/6/2018, Bengaluru, dated 04/01/2018.

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1. The Departmental Enquiry is initiated against Sri. Ashok T.J., the then Chief Officer (First Division Assistant), Pattana Panchayathi, Sringeri, Chikkamagaluru District (hereinafter referred to as the Delinquent Government Officials, in short DGO) on the basis of the complaint dated 23/02/2015. The allegation in the complaint is that Sri. Ashok T.J. while working as



the then Chief Officer (First Division Assistant) of Pattana Panchayathi at Sringeri, Chikkamagaluru District in the year 2015, the mother of the complainant Smt.Gulabi was granted site measuring 25 X 30 feet situated in Hanumanthanagar Patana Panchayath, Sringeri 30 years back under "Bhagya Mandira" Scheme and she has built house and residing there. That the mother of the complainant had mortgaged the Hakku pathra of the said property in the Patana Panchayath and had taken loan of Rs.2,500/-. That in order to repay the loan and get the Hakku pathra back application was filed in the DGOs office. That the DGO has asked the complainant to come to the office 5-6 times and told that the loan including interest would be Rs.6,500/- and he has to pay bribe of Rs.3,000/-. That the complainant met DGO on 19/02/2015 in the morning and asked him about his application and the DGO has forced him to pay Rs.6,500/- loan amount including interest along with bribe amount of Rs.3,000/- and the complainant has recorded the above said conversation between him and DGO.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Chikkamagaluru District lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Chikkamagaluru District (hereinafter referred to as "Investigating Officer". On the said complaint Investigating Officer registered case in Cr.No.2/2015 against the DGO for the offences punishable under section 7, 13(1)(d) r/w 13(2) of P.C.Act, 1988.

  
28/8

3. The Investigating Officer took up investigation on 23/02/2015 and 24/02/2015. The DGO by demanding bribe of Rs.3,000/- from the complainant to do official favour has committed misconduct and DGO has 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.
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 22/03/2017 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 04/10/2017 and its corrigendum dated 26/12/2017 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 04/01/2018, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

A handwritten signature in blue ink, followed by the date '28/8' written below it.

ಅನುಬಂಧ-1ದೋಷಾರೋಪಣೆ

ಫಿರ್ಯಾದಿಯಾದ ಶೃಂಗೇರಿ ಪಟ್ಟಣ ನಿವಾಸಿಯಾದ ರತ್ನಾಕರ ರವರ ತಾಯಿಯಾದ ಶ್ರೀಮತಿ ಗುಲಾಬಿ ಎಂಬವರು 30 ವರ್ಷಗಳ ಹಿಂದೆ ಅವರಿಗೆ ಶೃಂಗೇರಿ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಭಾಗ್ಯ ಮಂದಿರ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದ ನಿವೇಶನದಲ್ಲಿ ಮನೆ ನಿರ್ಮಿಸಲು ಪಡೆದುಕೊಂಡಿದ್ದು ಆ ಸಂಬಂಧ ಸದರಿ ಆಸ್ತಿಯ ದಾಖಲಾತಿಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡುವಂತೆ ನಿಮ್ಮನ್ನು ಫಿರ್ಯಾದಿಯು ಕೋರಿದ್ದು ಆ ಬಗ್ಗೆ ಸಾಲ ಮತ್ತು ಬಡ್ಡಿ ಸೇರಿ ಒಟ್ಟು ರೂ.6,500/-ಗಳನ್ನು ಪಾವತಿ ಮಾಡಬೇಕಾಗಬಹುದೆಂಬುದಾಗಿ ನೀವು ದಿನಾಂಕ: 19/02/2015 ರಂದು ಶೃಂಗೇರಿ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಕಛೇರಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಗೆ ತಿಳಿಸಿ ಆ ಸಂಬಂಧ ದಾಖಲಾತಿಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡಲು ರೂ.3,000/- ಗಳನ್ನು ಲಂಚದ ರೂಪದಲ್ಲಿ ಆ ದಿನ ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (ii) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

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

ANNEXURE-IISTATEMENT OF IMPUTATION OF MISCONDUCT:

ದೂರುದಾರರಾದ ಶ್ರೀ ರತ್ನಾಕರ್ ಬಿನ್ ಲೇಟ್ ರಾಮೇಗೌಡ, ಹನುಮಂತನಗರ, ಶೃಂಗೇರಿ ಟೌನ್ ಮತ್ತು ತಾಲ್ಲೂಕು ರವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಸದರಿಯವರ ತಾಯಿಯಾದ ಗುಲಾಬಿ ರವರಿಗೆ 30 ವರ್ಷಗಳ ಹಿಂದೆ 25 \* 30 ಅಡಿಗಳ ನಿವೇಶನವು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಯಿಂದ ಭಾಗ್ಯ ಮಂದಿರ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದು ಸದರಿ ನಿವೇಶನದಲ್ಲಿ ಮನೆಯನ್ನು ನಿರ್ಮಿಸಿ ವಾಸವಾಗಿದ್ದು, ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಯವರು





ನೀಡಿರುವ ದಾಖಲಾತಿಗಳ ಆಧಾರದ ಮೇಲೆ ದೂರುದಾರರ ತಾಯಿಯವರು ದಾಖಲಾತಿಗಳನ್ನು ಪಟ್ಟಣ ಪಂಚಾಯತಿಯಲ್ಲಿ ಅಡಮಾನ ಮಾಡಿ ರೂ.2,500/-ಗಳ ಸಾಲವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸಾಲ ಮರು ಪಾವತಿಯಾದ ನಂತರ ನಿವೇಶನದ/ಮನೆಯ ದಾಖಲಾತಿಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡುವಂತೆ ಕೋರಿದ್ದು, ನೀವು ಸಾಲ ಮತ್ತು ಬಡ್ಡಿ ಸೇರಿ ಒಟ್ಟು ರೂ.6,500/- ಆಗಬಹುದು ಹಾಗೂ ರೂ.3,000/-ಗಳನ್ನು ಅಂಚದ ರೂಪದಲ್ಲಿ ನೀಡುವಂತೆ ದಿನಾಂಕ: 19-02-2015ರಂದು ಒತ್ತಾಯಿಸಿದ್ದು, ದೂರುದಾರರ ಮತ್ತು ನಿಮ್ಮ ನಡುವೆ ನಡೆದಂತಹ ಸಂಭಾಷಣೆಯನ್ನು ಮೊಬೈಲಿನಲ್ಲಿ ದೂರುದಾರರು ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡು ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಚಿಕ್ಕಮಗಳೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ದಿನಾಂಕ 23-02-2015ರಂದು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಚಿಕ್ಕಮಗಳೂರಿನ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಚಿಕ್ಕಮಗಳೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 2/2015 ರಲ್ಲಿ ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7 ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ನೊಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದಿನಾಂಕ:23/02/2015 ರಂದು ನಿವೇದಿಸಿ ತರುವಾಯ ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಲಾಗಿದ್ದು, ಫಿರ್ಯಾದಿಯು ಪಂಚರ ಸಮಕ್ಷಮ ಐದುನೂರು ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 6 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ದಾಖಲು ಮಾಡಿಕೊಂಡಿದ್ದು ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ನಿಮ್ಮನ್ನು ಬಲೆಗೆ ಕೆಡವಲು ಅದೇ ದಿನ ನಿಮ್ಮ ಕಛೇರಿಗೆ ಹೋಗಿದ್ದು ಅಂದು ನೀವು ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲದ ಕಾರಣ, ದಿನಾಂಕ 10-03-2015ಕ್ಕೆ ಪ್ರಕರಣವನ್ನು ಮುಂದೂಡಿ ದಿನಾಂಕ 10-03-2015ರಂದು ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ಯಾವುದೇ ಲಂಚದ ಹಣವನ್ನು ನೀಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸದಿದ್ದ ಕಾರಣ ಮುಂದಿನ ಕ್ರಮಗಳನ್ನು ಜರುಗಿಸಲಾಗಿಲ್ಲ.

  
28/8

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ಫಿರ್ಯಾದಿಯ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:19-02-2015ರಂದು ರೂ.3,000/- ಲಂಚದ ಹಣವನ್ನು ಕೇಳಿರುವುದನ್ನು ಫಿರ್ಯಾದಿಯು ಮೊಬೈಲ್ ನಲ್ಲಿ ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡಿದ್ದು ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಟ) 1966 ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವು ಅಂಗೀಕಾರ ಯೋಗ್ಯವಲ್ಲದ ಕಾರಣ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ,

ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿದ್ದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪ ಲೋಕಾಯುಕ್ತ ರವರಿಗೆ ವಹಿಸಿದ್ದು ಅದರಂತೆ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

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 23/06/2018 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 23/06/2018 he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/07/2017.**

  
28/8

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 02/02/2015 the complainant has submitted application in his office seeking to return the documents and notice was issued to Smt.Gulabi mother of complainant on 16/02/2015 by the Patana Panchayath asking her to pay Rs.6,415/- amount within 7 days and after the payment steps will be taken to return the Hakku Patra. That Smt.Gulabi has paid Rs.6,415/- to the Patana Panchayath as per receipt No.123625 on 23/02/2015 after bank hours in the evening and has taken the receipt. That since the applicant has already paid the amount on 23/02/2015 the allegation made by the complainant on 19/02/2015, that he has demanded extra Rs.3,000/- is false.

DGO further denied that complainant has recorded the conversation between himself and DGO. That the complainant has created the false conversation without mentioning the mobile number, time and duration of the recordings. The I.O. has not seized CD and SIM on 23/02/2015 with respect to the recordings done by the complainant. That the CD has to be sent to the FSL, but, the CD was kept with I.O. with orders of the court and on 24/02/2015 and 10/03/2015 without the permission of the court he has removed it from the safe custody and brought it at the time of trap and has violated the guidelines laid by the Hon'ble Supreme Court of India. That the lokayukta police had to tried to trap the DGO several times but, have failed and since the DGO has not demanded bribe amount from the complainant when he

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met him twice they have stopped further proceedings and concluded the investigation which is also mentioned in the mahazar.

DGO further contended that, on 11/05/2015 the lokayukta police have called the DGO to lokayukta police station and though he has told that the voice in the CD does not pertain to him, they have got the transcription forcibly read by him. That by misusing the conversation recorded on 11/05/2015 which was burnt to CD have sent it to FSL on 23/05/2015 and disputed CD dated 11/08/2015 together on 13/05/2015 to FSL. That on 10/03/2015 the investigation was completed and after delay of two months they have sent the recordings to FSL which clearly goes to show that in order to implicate the DGO they have tampered the CD.

DGO further contended that, on perusal of the FSL in page No.2 it reveals that it is mentioned that the conversational speeches are mixed with vehicular noise and overlapping speaker voices between them. As such though the voice of DGO was not there, there is every possibility that it is created by I.O. The FSL expert has admitted that the voice of DGO is not properly audible and there is disturbance. As such both the CDs have been created. As such based on the conversation in the CD which are not correct steps cannot be taken as per the Judgment of Hon'ble Supreme Court of India. That the complainant has made few baseless and concocted allegations. That there is no misconduct on his part and

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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 while working as the then Chief Officer (First Division Assistant) of Pattana Panchayathi at Sringeri, Chikkamagaluru District in the year 2015, the mother of the complainant Smt.Gulabi was granted site measuring 25 X 30 feet situated in Hanumanthanagar Patana Panchayath, Sringeri 30 years back under "Bhagya Mandira" Scheme and she has built house and residing there. That the mother of the complainant had mortgaged the Hakku pathra of the said property in the Patana Panchayath and had taken loan of Rs.2,500/-. That in order to repay the loan and get the Hakku pathra back application was filed in the DGOs office. That the DGO has asked the complainant to**

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come to the office 5-6 times and told that the loan including interest would be Rs.6,500/- and he has to pay bribe of Rs.3,000/-. That the complainant met DGO on 19/02/2015 in the morning and asked him about his application and the DGO has forced him to pay Rs.6,500/- loan amount including interest along with bribe amount of Rs.3,000/- and the complainant has recorded the above said conversation between him and DGO and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Chikkamagaluru District, who registered case in Cr.No.2/2015 and took up investigation on 23/02/2015 and 24/02/2015, the DGO by demanding bribe of Rs.3,000/- from the complainant to do official favour has committed misconduct and the DGO has failed to give satisfactory or convincing explanation in this regard, when

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**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?**

11. (a) The disciplinary authority has examined Sri.Rathnakar/Complainant as PW-1, Sri.Sampth Kumar/ Investigating Officer as PW-2 and Sri.Jagadeesha L.M./Shadow Witness as PW-3 and got exhibited Ex.P-1 to 16 on it's behalf.

(b) The DGO has examined himself as DW-1 and has got exhibited Ex.D-1 to 3 documents.

(c) Since DGO 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 the same is dispensed.

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/Complainant Sri.Rathnakar has deposed in his evidence that, about 3-4 years back the DGO was working as Chief Officer of Sringeri Patana Panchayath. That his mother Smt.Gulabi is presently residing in Sringeri and 30 year long back she was allotted one site in Bhagya Mandira Scheme. That his mother had built one house in that site and has taken loan of Rs.3,000/- by mortgaging the Hakku Patra in Sringeri Patana Panchayat. That about 3 years back when he went to DGO and asked to give the Hakku Patra back, then the DGO has told to give Rs.6,000/- towards loan and interest and demanded Rs.3,000/- bribe amount. That he has recorded the conversation between himself and DGO in his mobile and later on went to lokayukta police station, Chikkamagaluru and lodged complaint. That he got the complaint written through his relative and signed it and gave it to the I.O. as per Ex.P-1. That he has given the mobile to the I.O. and he I.O. has called for two panchas i.e. school teachers and played the mobile recordings before the said panchas and made them hear the same. That the I.O. has got the recordings burnt to CD. That he might have given Rs.9,000/- or Rs.9,500/- to one of the witness. That the I.O. got smeared powder on the notes through his staff and one of the teacher among the two kept

  
28/8



tainted notes in his shirt pocket and his hand were washed and the solution turned to pink colour and I.O. has seized the sample of the solution. The I.O. has instructed him to go to Sringeri Patana Panchayath and pay principal and interest amount and asked him to give Rs.3,000/- tainted notes only on demand by DGO and after acceptance to give signal by wiping his head by right hand. That I.O. has drawn pre-trap mahazar as per Ex.P-2 with respect to the above proceedings.

PW-1 further deposed that, later on all of them went to the office of DGO and reached there by 4.00 p.m. That he went inside the office of DGO and deposited Rs.6,500/- towards principal and interest of the loan and later went to the office of DGO, that he told DGO that he has paid the loan amount with principal and interest and he has also brought the amount which was asked by the DGO, that the DGO did not accept the amount and went outside telling that he has to go somewhere and went outside. That he waited there for one and half hour, but DGO did not come and the I.O. with his staff and panch returned to the lokayukta police station. That he returned the tainted notes to the I.O. and the I.O. has drawn mahazar in this regard as per Ex.P-3.

PW-1 further deposed that, on 24/02/2015 he again went to the lokayukta police station, Chikkamagaluru at 9.30 a.m. and the above said teachers were also present and one of them kept the amount in his left side shirt pocket. That I.O. repeated the instructions and has drawn mahazar with respect to the above

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proceedings as per Ex.P-4. That later on all of them left the lokayukta police station and reached DGO office in the afternoon. The DGO was not present there and he waited for him till afternoon, but the DGO did not turn up. That all of them along with I.O. returned to lokayukta police station and he has returned the tainted notes to the I.O. and I.O. has drawn mahazar with respect to the above proceedings as per Ex.P-5 and on the next day some person came from the office of DGO and has given him the Hakku Patra.

15. (a) PW-2/Investigation Officer, Sri.Sampth Kumar has deposed in his evidence that, he has served as P.I in Chikkamangaluru Lokayukta Police station from February 2014 to July 2016. On 23/02/2015, at 1:00 p.m, PW-1 from Sringeri came to his police station and gave written complaint along with mobile containing conversation between him and DGO with respect to demand of bribe of Rs. 3,000/- by DGO working as Chief Officer, TMC, Sringeri, to give the documents mortgaged by PW-1's mother, Smt.Gulabi and he registered the complaint as per Ex.P-1 in crime number 2/2015 and prepared FIR as per Ex.P-6 and sent the FIR in sealed cover with letter to the jurisdictional court, to open the cover in case of trap being successful or the conversation examined to be genuine. That he gave requisition to the Head Master, Government Higher Primary Girls School, Basavanahalli, Chikkamangaluru to send two officials to act as witnesses and at 1:35 p.m, Sri.L.MJagadeesh and Sri.Madhu B.R reported before him and he introduced them to his staff and complainant and told them the contents of the complaint and gave

  
28/8

copy of the same to go through it. That they read the same and ascertained the same from complainant/PW1 and also agreed to act as panch witnesses. Accordingly, he appointed Sri.L.M.Jagadeesh as panch witness number 1 and Sri.Madhu.B.R as panch witness number 2 and played the mobile phone in presence of above said witnesses and transcribed it's contents in pre-trap panchanama and burnt it to CD. That PW-1 gave six notes of Rs.500/-each i.e., total Rs. 3,000/- to lay the trap and he got the list of currency notes prepared by Sri.Madhu as per Ex.P-7.

PW-2 further deposed that, he got phenolphthalein powder applied to both sides of the currency notes through his staff and he got the same kept in the left side shirt pocket of PW-1 through Madhu. That he got the sodium carbonate solution prepared through his staff, and took sample of the same and got the fingers of Madhu washed in the said solution. The said solution turned to pink colour. That he took sample of the same and labelled the samples as article number 1 and 2. That he took sample of the phenolphthalein too and labelled the same as article number 3 and kept the articles in the almirah of his police station. That he sealed the articles using the letter 'O' and gave the seal to Madhu. That he told about the chemical reaction between phenolphthalein and sodium carbonate solution to PW-1 and panch witnesses. PW-1 had also given him the copy of letter given by his mother to office of DGO as per Ex.D-1. That he gave a voice recorder to PW-1 and showed him how to operate the same and gave him instructions to switch on while meeting the DGO. That he also

  
28/8

instructed Jagadeesh to act as shadow witness and report all the happenings to him. That he also gave instructions to PW-1 to give signal by wiping head with hand, after DGO receives the bribe amount and to give the bribe amount only on demand by DGO and has drawn pre-trap mahazar as per Ex.P-2. That he also took the photographs of the pre-trap proceedings and the photos were developed and printed by in-charge P.I, Sri.Jayanand along with panchanama on 10/03/2015 as per Ex.P-8 and copies of photographs as per Ex.P-9. That at 2:45 p.m, all of them left to the DGO's office in Sringeri, which was situated about 80 kilometers from the police station and at 4:15 p.m they reached near the DGO's office in Sringeri. That he repeated the instructions and sent PW-1 and Jagadeesh to the office of DGO and the remaining members of trap team along with him were watching from distance.

PW-2 further deposed that, at about 6:45 p.m, PW-1 and Jagadeesh came outside and by hand signal conveyed that nothing happened. On asking them, PW-1 said that he paid Rs. 6,415/- which is the loan due amount and interest, and said that loan is totally cleared. The DGO was in the chamber, and asked PW-1 to wait, and DGO left from there with work of seizing plastics from shops and after about an hour, PW-1 asked the officials about DGO and the officials said that the DGO might have gone home. That he took the xerox copy of the said receipt of Rs. 6,415/- as per Ex.P-10.

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PW-2 further deposed that, he has taken back the voice recorder and amount from PW-1 and he has drawn mahazar in this regard as per Ex.P-3 and he has informed the panchas and PW-1 to come on next day and they have come at 9:20 a.m to the police station on the next day. That he has again conducted entrustment mahazar and given the same instructions to PW-1 and shadow witness and conducted mahazar in this regard as per Ex.P-4.

PW-2 further deposed that, all of them left the station at 10:20 a.m and reached the DGO's office at 12:00 p.m. and he has parked his vehicle about 500 meters away from the office and he has instructed PW-1 and CW-3 and send them to the DGO office. PW-1 returned at 6:30 p.m and told that DGO was not in the office. Then again he returned to his office along with panchas and PW-1. That he has taken back the voice recorder and amount from PW-1 and he has drawn mahazar in this regard as per Ex.P-5. That he has informed the panchas and PW-1 to come on next day and they have come at 10:00 a.m to the police station next day. PW-1 told him that we should not go on that day for the trap. He has taken the statement of the witness and relived the panchas. Next he has handed over investigation to P.I. Dayananda as he was deputed for training for 10 days in Mysuru.

PW-2 further deposed that, on 11/05/2016, he called the panchas and PW-1 and DGO to the police station and he has taken the voice sample of DGO by asking him to repeat the conversation taken place between DGO and PW-1 which was

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recorded by PW-1 in his mobile and has recorded the conversation of the voice sample in CD. That he has conducted mahazar in this regard as per Ex.P-11 and has taken the explanation of DGO as per Ex.P-12.

PW-2 further deposed that, on 15/05/2015 he has sent recorded sample voice of DGO to FSL for analysis and report. That on 13/03/2016, he has received FSL report wherein it is stated that the disputed voice is similar to the admitted voice. That the DGO appeared before him after obtaining anticipatory bail and he has arrested him and released him on bail. That he has seized the records pertaining to the work of complainant's mother from Chief Officer, CMC, Sringeri as per Ex.P-13. That he has taken the service details of DGO from Planning Director as per Ex.P-14 and he has taken the statement of the witnesses and since he was transferred he handed over the investigation to P.I., Dayananda.

16. (a) PW-3/Shadow Witness, Sri.Jagadeesha L.M. has deposed in his evidence that, he was working as Teacher, Government Higher Primary Girl School in the year 2015. On 23/02/2015, the Lokayukta police came to his school and met the Head Master and gave requisition and have taken him and CW-2 to the Lokayukta police station in their jeep.

PW-3 further deposed that, PW-1 was present in the police station. The I.O. introduced PW-1 to them and briefed them about the complaint lodged by him and asked them to act as panch

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witness for which we they consented. PW-1 produced Rs. 3,000/- notes to lay the trap and the I.O. got the number of the currency notes noted in a sheet and he dictated the number and CW-2 noted down the number in a sheet as per Ex.P-7. The I.O. played the mobile recordings given by PW-1 and made them hear the conversation and got it burnt to CD. I.O. got the recordings transcribed. The I.O. seized the CD. I.O. got the phenolphthalein powder smeared on the notes and gave it to CW-2 and got it kept in the shirt pocket of PW-1 through CW-2. I.O. has got prepared sodium carbonate solution in a bowl and got the hands of CW-2 washed in it and the solution turned to pink colour. I.O. has seized the solution. The I.O. gave one voice recorder to PW-1 and asked him to switch it on while meeting the DGO and gave instruction to PW-1 to give the amount only if demanded by DGO and after acceptance give signal by wiping his head with his hand. The I.O. instructed him to accompany PW-1 and watch the happenings and has taken photos of the proceedings. The I.O. has drawn mahazar with respect to the above proceedings as per Ex.P2.

PW-3 further deposed that, all of them left the Lokayukta police station and reached Pattan Panchayathi at Sringeri at about 4:15 p.m. The I.O. stopped the vehicle at a distance and sent PW-1 and him to the office of DGO. PW-1 went and met Chief Officer/DGO and he gave slip and asked him to pay the amount and PW-1 has paid the amount and got the receipt and went to Chief officer/DGO who told PW-1 to wait there. DGO went outside



and later did not return. They waited there till 6:45 p.m and later on they returned to Lokayukta police station, Chikkamagaluru at 9:00 p.m.

PW-3 further deposed that, the I.O. has taken back the tainted notes and voice recorder from PW-1. The I.O. played the voice recorder and got it burnt to CD and got it transcribed. The I.O. also received the copy of the receipt. The I.O. has drawn mahazar as per Ex.P-3. The I.O. instructed them to come on the next day at 9:30 a.m.

PW-3 further deposed that, on 24/02/2015 at 9:30 a.m, he, CW-2 and PW-1 reported before the I.O. in the Lokayukta police station, Chikkamagaluru. The I.O. has again gave the tainted notes by smearing the phenolphthalein powder and kept it in the pocket of PW-1. The I.O. repeated the instructions which was told on the previous day and has drawn pre-trap mahazar in this regard as per Ex.P-4.

PW-3 further deposed that, all of them left the Lokayukta police station and reached Sringeri at 12:00 p.m. The I.O. again repeated the instructions to them and he and PW-1 went inside the office of DGO and DGO was not in the office. All of them waited there up to 6:45 p.m and since DGO did not turn up they returned to Lokayukta police station at 9:00 p.m.

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PW-3 further deposed that, the I.O. has taken back the tainted notes and voice recorder from PW-1. The I.O. has drawn mahazar as per Ex.P-5. The I.O. instructed them to come on the next day at 9:30 a.m.

PW-3 further deposed that, on 25/02/2015 at 9:30 a.m, he, CW-2 and PW-1 reported before the I.O. in the Lokayukta police station, Chikkamagaluru. PW-1 produced the Hakku Pathra before the I.O. stating that on 24/02/2015 attender came to his house and gave the said document to his mother. The I.O. instructed PW1 to contact DGO on the next day.

PW-3 further deposed that, on 10/03/2015, the I.O. has called him, CW-2 and PW-1 to the Lokayukta police station and they reported before the I.O at 11:00 a.m. PW-1 told I.O. that he went to meet DGO on 05/03/2015 and DGO was not available in the office and on 09/03/2015 when he met DGO, he told that Hakku Pathra is already been given. The I.O. has drawn mahazar in this regard after taking copy of Hakku Pathra as per Ex.P-15 and Ex.P-16 respectively.

PW-3 further deposed that, on the same day I.O. gave them photos and seized it and has drawn mahazar in this regard as per Ex.P-8.

PW-3 further deposed that, on 11/05/2015, the I.O. has called him, CW-2 and DGO to the Lokayukta police station and

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they reported before the I.O. The I.O. has made DGO to read the transcription 3 times and got it recorded and burnt the recordings to CD and seized it and has conducted mahazar in this regard as per Ex.P-11.

17. The DGO has got himself examined as DW-1 and has filed his affidavit in lieu of his chief examination wherein he has reiterated the written statement averments and got marked certified copy of deposition of PW-6 in Spl. CC No.115/2016 on the file of Principal District and Session Judge, Chikkamagaluru as Ex.D-2 and certified copy of deposition of PW-4 in Spl. CC No.115/2016 on the file of Principal District and Session Judge, Chikkamagaluru as Ex.D-3.
18. On over all evaluation of the oral and documentary evidence adduced by both the parties, from the evidence of PW-1 to 3 it reveals that PW-1/complainant has filed complaint against DGO stating that he is demanding bribe for giving the Hakku Patra of his mother which is mortgaged in the Patana Panchayath after repayment of loan and PW-1 has produced six notes of Rs.500/- each i.e., total Rs. 3,000/- to lay the trap and PW-2 got the list of currency notes prepared by CW-2 as per Ex.P-7 and got the phenolphthalein powder smeared on the notes and gave it to CW-2 and got it kept in the shirt pocket of PW-1 through CW-2 and got the hands of CW-2 washed in it and the solution turned to pink colour and PW-2 has seized the solution. Further their evidence

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reveals that PW-2 gave instruction to PW-1 to give the amount only if demanded by DGO and after acceptance give signal by wiping his head with his hand and instructed PW-3 to accompany PW-1 and watch the happenings and has taken photos of the proceedings and drawn mahazar with respect to the above proceedings as per Ex.P-2.

19. Further from the evidence of PW-1 to 3 it reveals that, all of them left the Lokayukta police station and reached Pattan Panchayathi at Sringeri and PW-2 sent PW-1 and PW-3 to the office of DGO and PW-1 went and met Chief Officer/DGO and he gave slip and asked him to pay the amount and PW-1 has paid the amount and got the receipt and went to Chief officer/DGO who told PW-1 to wait there and DGO went outside and later did not return and PW1 & PW3 waited there till 6:45 p.m and later on they returned to Lokayukta police station, Chikkamagaluru and PW-2 has taken back the tainted notes and voice recorder from PW-1 and also received the copy of the receipt and drawn mahazar as per Ex.P-3 and PW-2 instructed them to come on the next day at 9:30 a.m.
20. Further from the evidence of PW-1 to 3 it reveals that, on 24/02/2015 at 9:30 a.m, PW-3, CW-2 and PW-1 reported before PW-2 and PW-2 has again given the tainted notes by smearing the phenolphthalein powder and kept it in the pocket of PW-1 and repeated the instructions which was told on the previous day and has drawn pre-trap mahazar in this regard as per Ex.P-4.

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21. Further from the evidence of PW-1 to 3 it reveals that, all of them left the Lokayukta police station and reached Sringeri and PW-2 has again repeated the instructions to them and PW-3 and PW-1 went inside the office of DGO and DGO was not in the office and all of them waited there up to 6:45 p.m and since DGO did not turn up they returned to Lokayukta police station and PW-2 has taken back the tainted notes and voice recorder from PW-1 and drawn mahazar as per Ex.P-5.
22. On perusal of documents, evidence of PW-1/ complainant, PW-2/ Investigating Officer and PW-3/shadow witness, as trap attempt has failed and DGO has not received the tainted notes from complainant, charge against DGO is only for the offence under section 7 of P.C. Act. Since there is no acceptance of bribe by DGO, only demand of illegal gratification is to be proved by the disciplinary authority under Section 7 of the Prevention of Corruption Act, even agreeing to accept or attempting to obtain any gratification other than legal remuneration as a motive or reward for doing any official act or to show official favour would be an offence. Since there is no acceptance of bribe and trap attempt has failed, pre-trap and trap proceedings and drawing of mahazar etc., and the evidence of shadow witness are not important in this case. Therefore, entire case is about demand of bribe by DGO from complainant on 19/02/2015.
23. As per the evidence of PW-1, he met the DGO in order to repay the loan taken by his mother mortgaging the Hakku Pathra in Pattan Panchaythi Sringeri and get the Hakku pathra back for which application was filed in the DGOs office. That the DGO has asked the

  
28/8

complainant to come to the office 5-6 times and told that the loan including interest would be Rs.6,500/- and he has to pay bribe of Rs.3,000/-. That the complainant met DGO on 19/02/2015 in the morning and asked him about his application and the DGO has forced him to pay Rs.6,500/- loan amount including interest along with bribe amount of Rs.3,000/- and the complainant has recorded the above said conversation between him and DGO. To prove the alleged demand of bribe by DGO the disciplinary authority is relying on the evidence of PW2 and also on the records. i.e., C.D. given along with the complaint Ex.P-1. It is the case of Disciplinary authority that the recording was done on 19/02/2015. According to PW1 he met DGO, 5-6 times but there is no reference with respect to the date of meetings.

24. Further PW-2/I.O. has deposed that on 23/02/2015 he has played the mobile containing conversation between PW-1 and DGO with respect to demand of bribe of Rs.3,000/- by DGO in presence of PW-3 and CW-2 and transcribed it's contents in Exp2 pre-trap panchanama and burnt it to CD. Further PW-2 has deposed that after they returned to police station on failure of trap on the same day he has taken back the voice recorder and amount from PW-1 and he has drawn mahazar in this regard as per Ex.P-3 and again on 24/02/2015 PW-2 has deposed that after they returned to police station on failure of trap he has taken back the voice recorder and amount from PW-1 and he has drawn mahazar in this regard as per Ex.P-5 and on 11/05/2015 he has called the panchas and PW-1 and DGO to the police station and has taken the voice sample of DGO by asking him to repeat the conversation taken place between himself

  
28/8

and PW-1 which was recorded by PW-1 in his mobile. That he has recorded the conversation of the voice sample in CD and sent sample of recorded voice to FSL for analysis and report and on 13/03/2016, he has received FSL report as per Ex.P-13 wherein it is stated that the disputed voice is similar to the admitted voice.

25. Further there is no section 65 (B) Certificate issued by PW1/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-2 to 5, 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 PW1/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 issued by PW-2/I.O. but it is incomplete and PW2 I.O. has not produced the C.D before this Authority as such the CD without such certificate is not admissible in evidence.
26. In a decision reported in 2014 AIR SCW 5696 (Anvar P.V. V/s P.K. Bhasheer and others) Hon'ble 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”.

27. In respect of CD as there is no 65(B) certificate, it is inadmissible and report given as per Ex.P-13 on the basis of CD is also inadmissible. For all these reasons, recordings in CD and report of FSL as per Ex.P-13 are not helpful to disciplinary authority case to prove alleged demand of bribe by DGO on 19/02/2015.

28. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P-1 to P-16, as reasoned above, not proved that the DGO had demanded bribe of Rs.3,000/- from the complainant on 19/02/2015. The disciplinary authority has not proved the charges against the DGO. Accordingly, this point is answered in the Negative.

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


### **FINDINGS**

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

**The date of Retirement of DGO is 31/07/2017.**



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

  
28/8/2023

(J.P. Archana)

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

### ANNEXURES

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

PW1:- Sri. Rathnakar  
PW2:- Sri. Sampth Kumar  
PW3:- Sri. Jagadeesha L.M.

List of witnesses examined on behalf of the Defence:-

DW1:- Sri. Ashok T.J. (DGO)

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Xerox copy of complaint dated 23/02/2015.
Ex P2	Xerox copy of pre-trap mahazar dated 23/02/2015.
Ex P3	Xerox copy of mahazar dated 23/02/2015.
Ex P4	Xerox copy of further pre-trap mahazar dated 24/02/2015.
Ex P5	Xerox copy of mahazar dated 24/02/2015.
Ex P6	Xerox copy of FIR in Cr.No.2/2015.
Ex P7	Xerox copy of list of currency notes.
Ex P8	Xerox copy of mahazar dated

  
28/8



	10/03/2015.
Ex P9	Xerox copy of photos.
Ex P10	Xerox copy of receipt of Rs.6,415/-
Ex P11	Xerox copy of mahazar dated 11/05/2015.
Ex P12	Xerox copy of statement of DGO dated 11/05/2015.
Ex P13	Xerox copy of documents pertaining to Complainant and FSL Report.
Ex P14	Xerox copy of service details of DGO.
Ex P15	Xerox copy of mahazar dated 10/03/2015.
Ex P16	Xerox copy of Hakku Pathra.

List of documents marked on behalf of Defence:-

Ex D1	Xerox copy of application of Gulabi dated 24/012015
Ex D2	Certified copy of deposition of PW-6 in Spl. CC No.115/2016 on the file of Principal District and Session Judge, Chikkamagaluru.
Ex D3	Certified copy of deposition of PW-4 in Spl. CC No.115/2016 on the file of Principal District and Session Judge, Chikkamagaluru.

  
(J.P. Archana)

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

