



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/644/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 01.12.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleshwaram Sub-Division, Bengaluru) – reg.

- Ref:- 1) Government Order No.ನಅಇ 565 ಎಂಎನ್‌ವೈ 2014, ಬೆಂಗಳೂರು, ದಿ:21-11-2014.
- 2) Nomination order No.LOK/INQ/14-A/644/2014, dated 18.12.2014 of the Upalokayukta-1, State of Karnataka.
- 3) Inquiry report dated 29.11.2022 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 21.11.2014 initiated the disciplinary proceedings against Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then

in Malleshwaram Sub-Division, Bengaluru) [hereinafter referred to as Delinquent Government Officer/official, for short as 'DGO'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/644/2014, dated 18.12.2014, nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by her.

3. The DGO Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleshwaram Sub-Division, Bengaluru), was tried for the following charge:-

### **ANNEXURE NO.I**

### **CHARGE**

That you DGO Smt.Chandrakantha,  
Assistant Revenue Officer, Bruhath  
Bangalore Mahanagara Palike, Bangalore

(working then in Malleshwaram Sub-Division, Bangalore) while discharging your duties:

- (a) Since the complainant works as Bill/Revenue Collector in Ward No.64 of BBMP at Bangalore i.e., in Malleshwaram Sub-Division, you DGO came to him before about 3 days of 29/11/2013, and asked to give Rs.5,000/- to give the same to the members of different committees of BBMP;
- (b) When he asked why he should give the said amount, saying that it is not possible for him to give, you DGO told him that if amount is not paid by him, then the committees of BBMP visit and inspect his Ward office and make an adverse report against him (complainant) and in that event, he has to face serious action/consequences. Thus, you DGO made demand of said amount of bribe from him in the said matter;
- (c) Not only that, on approaching Lokayukta Police on 29/11/2013, when he met you DGO at your (DGO's) office in Malleshwaram, you DGO had taken the

2

tainted (bribe) amount of Rs.5,000/- from him in the said matter and kept in your table drawer;

(d) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount, when questioned by the I.O.;

(e) Thereafter, you DGO was caught hold as you DGO was found with the tainted (bribe) amount on said date at said place;

(f) Then the said tainted (bribe) amount was seized from you DGO under a mahazar in the presence of panchas by the I.O. on said date;

(g) Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O., which show your said repeated misconduct.

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

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 Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleshwaram Sub-Division, Bengaluru).

5. 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.

6. As per the First Oral Statement of DGO, furnished by the Inquiry Officer, DGO is due to retire from service on 31.12.2029.

7. Having regard to the nature of charge **'proved'** against DGO and considering the totality of circumstances,



“it is hereby recommended to the Government to impose penalty of compulsory retirement of DGO Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleshwaram Sub-Division, Bengaluru).”

8. 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. LOK/INQ/14-A/644/2014/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 29/11/2022.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Smt. Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleswaram Sub Division, Bangalore) -reg.

Ref: 1. Government Order No. ನಅಇ 565 ಎಂಎನ್‌ವೈ  
2021 Bengaluru, dated 21/11/2014.  
2. Nomination Order No. LOK/INQ/14-  
A/644/2014, Bengaluru, dated  
18/12/2014.

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1. The Departmental Enquiry is initiated against Smt. Chandrakantha, Assistant Revenue Officer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (working then in Malleswaram Sub Division, Bangalore) (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 29/11/2013. The allegations in the complaint is that since the complainant works as Bill/Revenue Collector in Ward No. 64 of BBMP at Bangalore i.e., in Malleswaram Sub-



Division, DGO came to him before on 29/11/2013, and asked to give Rs. 5,000/- to give the same to the members of different committees of BBMP. When complainant asked DGO why he should give the said amount expressed his inability to give the amount, then DGO told complainant that if amount is not paid by him, then the committees of BBMP will visit and inspect his Ward office and make an adverse report against him (complainant) and in that event, he has to face serious action/consequences. Thus, the DGO made demand of said amount of bribe from complainant in the said matter.

2. As the complainant was not willing to pay the amount, 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 in Cr.No.64/2013 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 29/11/2013, DGO was caught red handed while demanding and accepting illegal gratification of Rs.5,000/- from the complainant in ARO office situated in BBMP Office, Malleswaram, Bengaluru at

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about 4.25 p.m and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, City Division, Bengaluru. The DGO has 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 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 12/09/2014 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 Government by order dated 21/11/2014 entrusted the matter to the Hon'ble Upalokayukta.

  
29/11

5. The Hon'ble Upalokayukta by order dated 18/12/2014, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

**ANNEXURE-1**

**CHARGE:**

That you DGO Smt.Chandrankantha, Assistant Revenue Officer, Bruhath Bangalore Mahanagara Palike, Bangalore (working then in Malleshwaram Sub-Division, Bangalore) while discharging your duties:

- (a) Since the complainant works as Bill/Revenue Collector in Ward No. 64 of BBMP at Bangalore i.e., in Malleshwaram Sub-Division, you DGO came to him before about 3 days of 29/11/2013, and asked to give Rs. 5,000/- to give the same to the members of different committees of BBMP;
- (b) When he asked why he should give the said amount, saying that it is not possible for him to give, you DGO told him that if amount is not paid by him, then the committees of

  
29/11

BBMP visit and inspect his Ward office and make an adverse report against him (complainant) and in that event, he has to face serious action/consequences. Thus, you DGO made demand of said amount of bribe from him in the said matter;

(c) Not only that, on approaching Lokayukta Police on 29/11/2013, when he met you DGO at your (DGO's) office in Malleshwaram, you DGO had taken the tainted (bribe) amount of Rs. 5,000/- from him in the said matter and kept in your table drawer;

(d) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount, when questioned by the I.O.;

(e) Thereafter, you DGO was caught hold as you DGO was found with the tainted (bribe) amount on said date at said place;

①  
28/11

- (f) Then the said tainted (bribe) amount was seized from you DGO under a mahazar in the presence of panchas by the I.O. on said date;
- (g) Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O., which show your said repeated misconduct.

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 Superintendent of Police in Karnataka Lokayukta for Bangalore City Division at Bangalore, filed with papers of investigation made by the Police Inspector in Karnataka Lokayukta for Bangalore City Division (herein after referred to as Investigating Officer-

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'I.O.' for short), stated that Smt.Chandrakantha, Assistant Revenue Officer, Bruhath Bangalore Mahanagara Palike, Bangalore (working then in Malleshwaram Sub-Division, Bangalore), being a public/Government servant, has committed misconduct, when approached by Sri.Shashidhar- Revenue Collection in Ward No. 64 O/o the Assistant Revenue Officer in BBMP for Malleshwaram Sub-Division at 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.

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

- (a) According to the complaint : Since the complainant works as Bill/Revenue Collector in Ward No. 64 of BBMP at Bangalore i.e., in Malleshwaram Sub-Division, DGO came to him before about 3 days of 29/11/2013, and asked to give Rs. 5,000/- to give the same to the members of different committees of BBMP;
- (b) When he asked why he should give the said amount, saying that it is not possible for him to give, DGO told him that if amount is not paid by him, then the committees of BBMP visit and inspect his Ward office and make an adverse

  
29/11

report against him and in that event, he has to face serious action/consequences. Thus, DGO made demand of said amount of bribe from him in the said matter;

(c) Not only that, on approaching Lokayukta Police on 29/11/2013, when he met DGO at her (DGO's) office in Malleshwaram, DGO had taken the tainted (bribe) amount of Rs. 5,000/- from him in the said matter and kept in her table drawer;

(d) Added to that, DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount, when questioned by the I.O.;

(e) Thereafter, DGO was caught hold as she was found with the tainted (bribe) amount on said date at said place;

(f) Then the said tainted (bribe) amount was seized from DGO under a mahazar in the presence of panchas by the I.O. on said date;

(g) Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O., which show her said repeated misconduct.

  
29/11

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 her to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against her in the matter. For that, the DGO gave her 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.....

  
28/11

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 this authority on 31/01/2015 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 31/01/2013. He pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/12/2029.**

9. The DGO has filed Written Statement dated 20/07/2015 denying the allegations made against her in the articles of charge and statement of imputation. She has contended that she had never demanded any money from the complainant with respect to any work that was pending with her. The complainant who was also an employee of BBMP, had been posted at the Malleswaram Sub Division about 3 months back and he was finding it difficult to locate the address and

  
29/11



discharging his duties and at that time, she had intervened, summoned the Bill/Revenue Collector who was working in the said Ward and got the assistance given to him in locating the addresses. However, she did not know with whom he was interacting and later she learnt she was enforcing strict discipline in the matter of collection of revenue, someone had used him as a bait and got her trapped in a false case only to see that she get suspended and shifted from the said sub-division. However, on the day of trap, he came to their office and at the time when she was going out of the office, he came along with her and he forced her to accept the amount and at that time, she was caught hold by the police. She had no official work pending that was connected to the complainant and thus, there was no chance for her to have made the demand as stated by the complainant and that was wholly beyond the official duties.

Further she submitted that it cannot be said that she had received the amount as bribe. The complaint which is highly motivated ought not to have been acted upon and only to harass her, the informant has resorted to such methods. She has done nothing attracting disciplinary action under the Civil Service Rules. She has not done anything unbecoming of a public servant. Even otherwise, there are no materials to hold that she has committed misconduct and thus

  
28/11

departmental proceedings cannot be initiated against her.

DGO further contended that she has high regards for law and she has not indulged in any corrupt practices or any offence amounting to 'misconduct' attracting action under Rule 3(1)(iii) of the KCS (Conduct) Rules, 1966. Further she contended that complainant had made false allegations against her and hence prays to exonerate from the charges leveled against her .

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

**1. Whether the disciplinary authority proves that the DGO while working as Assistant Revenue Officer, Bruhath Bangalore Mahanagara Palike, Bangalore, on 29/11/2013 demanded Rs.5,000/- from the complainant to give the same to the members of different committees of BBMP. When complainant asked DGO why he should give the said amount and expressed his inability to give the same, then DGO told complainant that if amount is not paid by him, then the committees of BBMP will visit and inspect his Ward office and make an**

  
28/11

adverse report against him (complainant) and in that event, he has to face serious action/consequences and not willing to pay the amount, complainant lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru who registered case in Cr.No.64/2013 and took up investigation and on 29/11/2013, DGO was caught red handed while demanding and accepting illegal gratification of Rs.5,000/- from the complainant in ARO office situated in BBMP Office, Malleswaram, Bengaluru at about 4.25 p.m and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, City Division, Bengaluru and the DGO has failed to give satisfactory or convincing explanation for the said tainted amount found then, 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?

  
29/11

**2. What findings?**

11. (a) The disciplinary authority has examined Sri. Shashidhar. M, complainant as PW-1, Smt. T.S. Savitha/Panch witness as PW2, Dr. Anil Kumar P.G./Investigating Officer as PW3 and Sri. B. Jayaprakash/ Shadow witness as PW4 and got exhibited 17 documents on its behalf.

(b) The DGO has examined herself by filing affidavit and 1 document is exhibited on her behalf.

(c) Since DGO has adduced evidence by examining herself, incriminating circumstances which appeared against her in the evidence of PW1 is not put to her by way of questionnaire and same is dispensed.

12. Heard both side arguments and perused 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) PW1/complainant Sri. M.Shashidhar has deposed in his evidence that he was working as Tax Inspector in BBMP, Malleswaram Sub-division in the year 2013 and DGO was working as Assistant Revenue Inspector in the same office. That on 28/11/2013 at 11.00 a.m. DGO asked him Rs.5,000/- stating that it has to be given to Finance and Accounts Committee. That he refused to give it so, the DGO threatened him with dire consequences. That he has recorded the conversation in a mobile on 29/11/2013 and has lodged complaint before Lokayukta Police Station, City Division as per Ex.P1. That Lokayukta Police called panch witnesses B.Jayaprakash and T.S. Savitha and played voice recordings before them. That he produced Rs.5000/- before the Inspector and he has noted down the numbers of currency notes and got smeared phenolphthalein powder. That Jayaprakash counted the notes and kept it in his left shirt pocket. That I.O. got both hands of T.Jayaprakash washed in the solution and it turned to pink colour. The I.O. seized its sample. That I.O. has given him one voice recorder and conducted pre trap panchanama with respect to the above proceedings as per Ex.P2.

PW1 further stated that later on they all left Lokayukta Police Station and came to BBMP Office at Malleswaram at about 3.25 p.m. That he and Jayaprakash went inside the

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office of DGO and DGO was not present there. DGO came to office at 4.25 pm and she asked him to give Rs. 5000/-. That he gave the tainted notes to her and DGO received it from her right hand and counted it with her both hands and kept it inside the drawer of her table. That at that time Jayaprakash was at a little distance away from him. That later on complainant gave a miss call to Lokayukta Police Inspector and Inspector came inside the office with panch witnesses and his staff. That he told I.O. that DGO has received amount and the I.O. has got both hands of DGO washed in the solution separately and solution turned to pink colour. That I.O. seized solution that on enquiry by the Investigating Officer with the DGO about the tainted notes she told it is in the right side drawer of her table. That panch witness Savitha and Jayaprakash have removed those notes and they were tainted notes. That the I.O. seized it in a sealed cover. That there was a vanity bag inside the drawer and I.O. and the I.O. the searched bag and there was Rs. 26,500/- in it. That DGO told the I.O. that one Revenue Inspector has given Rs.35,000/- to her. That there was a cloth bag in the left side drawer of the table of DGO and on search there was 10,92,522/- in it. That DGO told that she has drawn it from bank to disburse it to the staff who have participated in the election duty. That since those amount belonged to the persons who participated in the election duty the Lokayukta Police gave the said amount to Sri. D.K.Babu, Revenue

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Inspector of the said office. That Lokayukta Police have drawn trap mahazar in this regard as per Ex.P3. The DGO has given written explanation to the Investigating Officer as per Ex.P4. That I.O. has received voice recorder and the conversation between him and DGO was recorded in the voice recorder and I.O. has got it burnt to C.D. and transcribed it to compact disc. That I.O. has drawn mahazar upto 9.45 p.m. and has arrested the DGO and brought her to Lokayukta Police Station.

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

15. (a) PW2 /Smt. T.S. Savitha, panch witness has deposed in her evidence that she was working as First Division Assistant in Health System Development Reforms Scheme, Sheshadri Road, Bengaluru and as per the instructions of administrative Officer she and B. Jayaprakash went to Lokayukta Police Station on 29/11/2013 at 1.00 p.m. which is in M.S.Building, Bengaluru. That Sri. Anil Kumar P.J. Police Inspector was present and he told that complainant has lodged complaint against the DGO that DGO demanded bribe of Rs.5,000/- and the complainant was also present. That I.O. played the voice recorder containing the voice of DGO and complainant and she heard that. That complainant. produced 6 notes of Rs.500/-

  
29/11



denomination each and 2 notes of Rs.1000/- denomination each to I.O. to lay the trap. That the numbers of the said currency notes were noted in the computer by the I.O. That B.Jayaprakash smeared phenolphthalein powder to them and kept it in the left side shirt pocket of the complainant. I.O. got sodium carbonate solution prepared and washed the hands of B.Jayaprakash in it. The I.O. seized the sample of the solution and later on washed the hands of B.Jayaprakash in it and solution turned pink colour. The I.O. seized the solution. That later on I.O. instructed the complainant and B. Jayaprakash to go to BBMP ward office, Malleswaram, Bengaluru. That I.O. instructed the complainant to give the tainted notes to DGO and later on to give signal through mobile and by wiping his head. The I.O. videographed the said proceedings and has drawn pre trap mahazar as per Ex.P2.

PW2 further deposed that later on all of them along with Lokayukta Police staff went near BBMP ward at Vyalikaval and reached there at 3.30 to 3.45 p.m. The complainant and B. Jayaprakash went inside the office and she, I.O. and his staff stood at a little distance from the office. That later on at 4.00 p.m. the complainant called the I.O. through mobile phone and told that DGO has not come. The I.O. instructed them to wait there and at about 4.25 to 4.30 p.m. complainant gave a miss call to I.O. and I.O. and other staff went inside the office. That complainant showed the DGO and told that he has given amount to her. The I.O. introduced himself to the DGO and told

  
28/11



the purpose of coming and on enquiry about the tainted notes to the DGO, DGO told that it is in the left side drawer of her table. That as per instructions of I.O. she has removed the notes from the drawer of the table and they were tainted notes. That I.O got prepared sodium carbonate solution in two bowls and took sample of the same and got the right hand and left hand of DGO washed in two separate bowls having the solutions and the said solutions turned to pink colour and I.O seized both the solutions and the notes in a sealed cover.

PW2 further deposed that I.O. has searched the vanity bag which was with the DGO and there was Rs.26,500/- in it. That DGO has gave explanation that she has received it from one Krishnappa for her daughter's education expenses. That I.O. seized those notes. That DGO has given explanation that she has not forced the complainant and complainant himself has given the amount to her as per Ex.P4. That on the left side drawer there was Rs.10 lakhs notes and there was a cheque which was drawn from RBI and the I.O. has given that to the higher officer of DGO and I.O. has drawn trap mahazar as per Ex.P3. That the I.O. arrested the DGO at 10.00 p.m and later on she went to her home.

(b) Nothing material is elicited by the learned DGO's counsel during the cross examination of PW2 to discredit her testimony.

  
28/11

16.(a) PW3/Investigating Officer Dr. Anil Kumar P.G. has deposed in his evidence that he worked as Police Inspector in Karnataka Lokayukta, City Division, Bengaluru from September 2013 to April 2015. That on 29/11/2015 he was on duty in the Lokayukta Police Station and the complainant came to the station at about 12.30 p.m and produced compact disc and lodged complaint against the DGO stating that she has demanded bribe from him as per Ex.P1. That he registered the case in crime no. 64/2013 for the offences punishable under section 7 of P.C. Act and sent FIR to 23<sup>rd</sup> Additional City Civil and Sessions Court, Bengaluru as per Ex.P5. That he has transferred the voice recordings to compact disc and has burnt to C.D and later on he called B.Jayaprakash and T.S. Savitha as punch witnesses and told them about the case and asked them to be panch witness. That complainant produced two notes of Rs.1000/- denomination each and 6 notes of Rs.500/- denomination each. That he got numbers of currency notes typed in a sheet through computer as per Ex.P6. That he played the C.D. which contained the conversation between complainant and DGO with respect to demand of bribe by DGO. That he got it transcribed as per Ex.P7. That he got phenolphthalein powder smeared on the notes and asked B. Jayaprakash to keep the said notes in the left side shirt pocket of the complainant. That he got sodium carbonate solution prepared and seized the sample and in the remaining portion of the solution he got the hands of B.Jayaprakash washed and the solution turned to pink

  
28/11

colour. That he has seized the solution. That he instructed the complainant to meet DGO and give the tainted notes only on demand and on acceptance to give signal by giving miss call to his mobile and he has also given one voice recorder to him and told him how to use it and asked him to switch it on while meeting the DGO.

Further PW3 deposed that he instructed T.A. Savitha to be there at the time of complainant giving money to DGO and to observe the happenings and he conducted pre-trap mahazar with respect to above proceedings as per Ex.P2 and he has also taken video of the above proceedings and has transferred it to C.D and seized it. That later on all of them left Lokayukta Police Station, Bengaluru and reached near office of Assistant Revenue Office, BBMP situated at 16<sup>th</sup> cross road of Malleshwaram, Bengaluru City at 3.25 p.m. and T.A. Savitha expressed her fear to go to the office of DGO, then he instructed B. Jayaprakash to act as shadow witness and accompany the complainant and to observe the happenings between complainant and DGO. That complainant and B.Jayaprakash went inside the office of DGO and he, Savitha and his staff stood at a little distance away from the office building. That at 3.30 p.m the complainant and B. Jayaprakash came outside and told that DGO has not yet come and told that they would come after meeting her.

  
28/11

PW3 further deposed that at 4.25 p.m. complainant gave miss call to him and immediately he, his staff along with T.A. Savitha went inside the office of DGO and there they saw a lady sitting in her chamber and complainant showed her and told that she had received the tainted notes and he confirmed that she was the DGO and he showed his I.D. card and introduced himself to her and told her the purpose of coming. That he got prepared sodium carbonate solution in two bowls and took sample from them and he got the right and left hand of DGO washed separately in those bowls and the solution in both the bowls turned to pink colour and he has seized them separately. That he enquired DGO about the tainted notes and DGO told that it is in the drawer of the table where she was sitting and he instructed T.A. Savitha to remove those notes and the numbers of those notes were tallying with the numbers noted in Ex.P6. That he has seized it. That on his instructions both the witnesses searched the vanity bag and other side of the table drawer of DGO. That DGO told that there is Rs.39,000/- in her vanity bag but on search there was only Rs.26,500/- and she told that she has taken it from Krishnappa Revenue Inspector working in her office for her daughter's education expenses. That since her explanation was not satisfactory he seized the said amount of Rs.26,500/-.

PW3 further deposed that on the search of left side drawer table of DGO, Rs.10,92,522/- amount was kept inside a bag and on enquiry the DGO told that it was honorary amount

  
29/11

which was sanctioned by the Government for election duty and she has produced on xerox copy of the order with respect to the said amount and on verification it appeared that the said amount belonged to government so he handed over the same to one Sri. D.K.Babu, Revenue Officer who was present there. PW3 further deposed that on enquiry with the complainant, he told that DGO demanded the amount and kept it in the drawer of her table and returned the voice recorder given to him and he has played it and found conversation between the complainant and DGO. So he has burnt into C.D. and seized it. That D.K. Babu, Senior Revenue Officer has identified the voice of the DGO in the said recordings and he has taken his statement in this regard as per Ex.P8. That he has taken explanation of DGO as per Ex.P4 and he has taken the certified copies of extract of attendance register as per Ex.P9 and xerox copy of the order with respect to the amount of Rs.10,92,522/- as per Ex.P10. That he prepared rough sketch of the spot as per Ex.P11. That he has drawn trap mahazar as per Ex.P3 and arrested the DGO and at the time Smt. Triveni, lady staff of Lokayukta Police Station, City Division was there. That later on he brought all of them along with DGO to his police Station and DGO was produced before the 23<sup>rd</sup> Additional Dist. and Sessions Judge, Bengaluru in the home office. That he has taken the details of Revenue Superintendent and Bill Collector working in Malleswaram Division as per Ex.P13. That he has taken a letter related to BBMP standing committee as per Ex.P14. That he

  
28/11

LOK/INQ/14-A/644/2014/ARE-11

has collected documents related to Tax and Standing committee as per Ex.P15. That he has seized service details of DGO. That he has got the sketch of the spot prepared by PWD Engineer as per Ex.P17. Further he deposed that he recorded the statement of witnesses and a copy of the report dated 28/11/2013 of standing committee, BBMP as per Ex.P18. That since DGO has not given satisfactory explanation for Rs.5,000/- tainted amount seized from her possession, he has completed investigation and filed charge sheet against her after obtaining sanction from competent authority.

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

17. (a) PW4/Shadow witness, Sri. B.Jayaprakash has deposed in his evidence that on 29/11/2013 on the written order of his higher officer, he along with PW2/ T.S Savitha appeared before the lokayukta Police station Bengaluru at 1.40 pm. That the complainant (PW1) was introduced to him and PW2 by PW3. That he came to know on going through the copy of the complaint furnished to him by PW3 that in connection with demand for illegal gratification of Rs.5,000/- by DGO the complainant had filed complaint against the DGO. The complainant placed a voice recorder before PW3 which was played by PW3 and the said voice recorder contained voice

  
28/11



touching Rs. 5,000/-. That the complainant placed total cash of Rs. 5,000/- which consisted of two currency notes of denomination of Rs.1,000/- each and six currency notes of denomination of Rs. 500/- each. PW3 got entered numbers of notes on a sheet of paper as per Ex P6. That the Lokayukta Police staff applied Phenolphthalein powder on the above notes and on the instruction of PW3 he again counted those notes and placed it in the left side shirt pocket of the complainant. That some solution was prepared by Lokayukta Police staff in which he immersed fingers of his hands and the said wash turned to pink colour. PW4 further deposed that PW3 placed a voice recorder in the left side pocket of shirt of the complainant after giving instruction as to how the same has to be operated and told the complainant to keep the said voice recorder on while meeting the DGO and further instructed the complainant to flash miss-call through mobile hand set in case of acceptance of tainted cash by DGO. PW4 further deposed that PW3 instructed PW2 to accompany the complainant and DGO. That he was told by PW3 to remain at a little distance from the complainant after reaching the office of DGO and conducted pre-trap mahazar marked as per Ex P2.

PW4 further deposed in his evidence that afterwards, he along with the complainant, PW2, PW3 and staff of PW3 left Lokayukta Police Station, City Division, Bengaluru at 3.25 pm and reached the place which is at little distance from BBMP office, 16<sup>th</sup> cross, Malleswaram, Bengaluru. That the

  
28/11

complainant and PW2 entered the said office and after some time both of them returned and informed the DGO is not in that office.

PW4 further deposed that at 4.25 pm. the complainant flashed miss-call to the mobile hand set of one Puttaswamy who was working as Sub-Inspector of Police attached to Lokayukta Police Station, City Division, Bengaluru and afterwards, he along with PW3, his staff and PW2 who then was at the corridor of that office entered the above BBMP Office. That PW4 further deposed that he noticed the DGO and about three or four persons who were seeking some information from the DGO. The complainant pointed out the DGO and PW3/I.O. disclosed his identity and prepared solution in three containers and obtained sample of the solution in a bottle. That on the instructions of PW3 the DGO immersed fingers of her right hand in the solution kept in a bowl and immersed fingers of the left hand in solution kept in another bowl and the finger wash of both hands of DGO turned to pink colour and the Lokayukta Police staff seized those wash in separate bottles. That PW3 questioned the DGO about tainted cash and the DGO responded that the cash is inside the right side drawer of the table under her control. PW2 opened the drawer cash was found inside the paper which was in a file and PW3 seized the said cash and the numbers of above notes corresponded with the numbers as per Ex.P6.

  
28/11



PW4 further deposed that the vanity bag was found near the table on the floor. On being questioned by PW3, DGO told that cash of Rs.39,000/- is inside it. On opening the said bag, he noticed cash of Rs.25,000/- but not Rs.39,000/-, PW3 seized the said cash. That the Lokayukta Police staff searched the left side drawer of the table inside which cash of more than ten and half lakhs were found. DGO placed some records touching the said cash which disclosed that the said cash is the one sanctioned by the Government and therefore PW3 handed over the said cash to one D.K.Babu and he identified the voice of DGO which were recorded in the voice recorder. That on being asked by PW3 about the tainted cash, DGO offered explanation in writing and the contents of which were not found correct. PW4 further stated that later on PW3 arrested the DGO and conducted trap mahazar in the office of DGO. That the copy of the attendance register maintained in that office has been seized by PW3 and afterwards he left the office.

(b) Nothing material is elicited by the learned DGO's counsel during the cross examination of PW4 to discredit his testimony.

18. DGO has examined herself as DW1 and has filed her affidavit in lieu of her chief examination wherein she has reiterated the facts narrated in her written statement and has

  
28/11

LOK/INQ/14-A/644/2014/ARE-11  
produced the certified copy of the evidence of CW1/PW1 in  
Spl.C.C. 271/2014 as per ExD1.

19. On perusal of documents, evidence of P.W.1/complainant, P.W.2/ Panch witness, PW3/ Investigating Officer and P.W.4/ Shadow witness, it is seen that on 29/11/2013 the complainant lodged complaint against DGO that she is demanding bribe to give it to Finance and Accounts committee members of BBMP as per ExP1 and produced one compact disc and produced 2 currency notes of Rs.1000/- denomination and 6 currency notes of Rs.500/- denomination to lay the trap and their numbers were noted in a sheet as per ExP6 by PW3/I.O.. Further their evidence reveals that PW3/I.O. has transferred the voice recordings to compact disc and has burnt to C.D and he played the C.D. which contained the conversation between complainant and DGO with respect to demand of bribe by DGO and got it transcribed as per Ex.P7. Further their evidence reveals that PW3/I.O. got phenolphthalein powder smeared on the notes and got the notes kept in the left side shirt pocket of the complainant through PW4 and got sodium carbonate solution prepared and seized the sample and in the remaining portion of the solution he got the hands of PW4 washed and the solution turned to pink colour and he has seized the solution. Further their evidence reveals that PW3/I.O. instructed the complainant to meet DGO

  
29/11

and give the tainted notes only on demand and on acceptance to give signal by giving miss call to his mobile and he has also given one voice recorder to him and told him to switch it on while meeting the DGO and instructed PW2 to be there at the time of complainant giving money to DGO and to observe the happenings and he conducted pre-trap mahazar with respect to above proceedings as per Ex.P2 and he has also taken video of the above proceedings

Further their evidence reveals that later on all of them left Lokayukta Police Station, Bengaluru and reached near office of Assistant Revenue Office, BBMP situated at 16<sup>th</sup> cross road of Malleshwaram, Bengaluru City at 3.25 p.m. and PW2 expressed her fear to go to the office of DGO, then PW3 instructed PW4 to act as shadow witness and accompany the complainant. But PW3/I.O. has stated in his cross examination that PW2 has not gone with PW1 because DGO will get cautioned. As such from their evidence it reveals that the complainant and PW4 went inside the office of DGO and later they came outside and told that DGO has not yet come and told that they would come after meeting her. Further their evidence reveals that complainant gave miss call to PW3/I.O. and he, his staff along with PW2 went inside the office of DGO and there they saw a DGO sitting in her chamber and PW1 showed her and told that she had received the tainted notes and he confirmed that she was the DGO and PW3/I.O. showed his I.D. card and introduced himself to her and told her the purpose of coming

  
28/11

and he got prepared sodium carbonate solution in two bowls and took sample from them and he got the right and left hand of DGO washed separately in those bowls and the solution in both the bowls turned to pink colour and he has seized them separately.

Further their evidence reveals that he enquired DGO about the tainted notes and DGO told that it is in the drawer of the table where she was sitting and he instructed PW2 to remove those notes and the numbers of those notes were tallying with the numbers noted in Ex.P6 and he has seized it. Further their evidence reveals that as per the instructions of PW3/I.O. both PW2 & PW4 searched the vanity bag and other side of the table drawer of DGO and the DGO told that there is Rs.39,000/- in her vanity bag but on search there was only Rs.26,500/- and DGO told that she has taken it from Krishnappa Revenue Inspector working in her office for her daughter's education expenses and since her explanation was not satisfactory PW3/I.O. has seized the said amount of Rs.26,500/- and on the search of left side drawer table of DGO, Rs.10,92,522/- amount was kept inside a bag and on enquiry the DGO told that it was honorary amount which was sanctioned by the Government for election duty and she has produced on xerox copy of the order with respect to the said amount and on verification it appeared that the said amount belonged to government so PW3/I.O. handed over the same to one Sri. D.K.Babu, Revenue Officer who was present there.

  
29/11

Further their evidence reveals that on enquiry by PW3 with the complainant, he told that DGO demanded the amount and kept it in the drawer of her table and returned the voice recorder given to him and he has played it and found conversation between the complainant and DGO and he has burnt it to C.D. and seized it and got the voice of DGO in the said recordings identified by one D.K. Babu, Senior Revenue Officer and he has taken his statement in this regard as per Ex.P8. Further their evidence reveals that PW3/I.O. has taken explanation of DGO as per Ex.P4 and he has taken the certified copies of extract of attendance register as per Ex.P9 and xerox copy of the order with respect to the amount of Rs.10,92,522/- as per Ex.P10 and prepared rough sketch of the spot as per Ex.P11 and has drawn trap mahazar as per Ex.P3.

20. The defence of DGO is that PW1 came to her office and given the tainted notes to her hand and immediately left the office. Further DGO has given explanation as per ExP4 with respect to possession of tainted notes wherein she has stated that the Complainant came to her chamber in her office on 29/11/2013 and gave Rs 5000/- stating that he is giving it to committee and she has kept that amount in the drawer of her table. This fact is specifically denied by PW1 in her cross examination by the DGO counsel and nothing is elicited from him in support of the defence of the DGO and to disbelieve the evidence of PW1. The

  
29/11

DGO has filed her affidavit in lieu of her chief examination and reiterated her written statement averments. Except her self serving evidence she has not placed any evidence to impeach the evidence of PW1 to PW4. Moreover she has taken up contention that ExP4 explanation was taken forcibly by the I.O. but in her cross examination she has stated that she has not given complaint to the higher authority of the I.O. in this regard and that the I.O. has no enmity against her to foist false case against her. As such it can be construed that it is the after thought of DGO to escape from the admission made in ExP4 and her evidence cannot be believed and DGO has not adduced clear, cogent and consistent evidence to prove her defence.

21. It is pertinent to note here that DGO has admitted that she has received Rs 5000/- tainted notes from PW1 on that day towards collection of committee amount and kept it in her table as per ExP4. Further DGO except her self serving evidence has not adduced clear, cogent and convincing evidence on her behalf to prove her defence. As such her defence cannot be believed and her explanation i.e., ExP4 clearly corroborate the case of the Disciplinary Authority.

22. It is sought to contend in the course of argument of DGO that there was no work pending before DGO and therefore the

  
29/11



question of demand and acceptance of illegal gratification from the complainant is out of picture. In this case the complainant has lodged complaint that DGO has demanded amount to pay it to various committee of BBMP Bengaluru, though he had no obligation and threatened that if he does not make payment then they will inspect his work and he has to face serious consequence. ExP4 explanation of DGO clearly goes to show that complainant came to her chamber in her office on 29/11/2013 and gave Rs 5000/- stating that he is giving it to committee and she has received the amount and kept it in the drawer of her table. When according to DGO, she has not demanded the said amount, then what was the necessity for her to receive it and keep it in the drawer is not properly explained by the DGO and instead taken contention that ExP4 explanation was taken forcibly from her which cannot be believed as stated supra. This clearly goes to show that there was illegal demand made by the DGO using her official capacity.

23. It is pertinent to note here that the complainant/PW-1 has produced the recordings of the conversation taken place between complainant and DGO on 28/11/2013 at the time of pre-trap mahazar conducted on 29/11/2013 which is marked as Ex.P-7. On perusal of the transcription of the voice recorder the conversation clearly goes to show the demand of Rs 5000/- by the DGO from the complainant with respect to payment to be

  
28/11

LOK/INQ/14-A/644/2014/ARE-11

made to committee members of the BBMP. Further the recordings at the time of trap proceedings is transcribed in page No.5 of ExP3 trap mahazar. This also reveal the demand of amount by DGO from the complainant. The said recordings have been played before panchas and one D.K.Babu, Revenue Inspector, BBMP, Bengaluru, who is the higher officer of DGO and he has identified the voice of DGO 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 under the guise to pay it to committees of BBMP Bengaluru, though there was no obligation for PW1 to pay it by threatening that if the amount is not paid he will face serious consequence using her official capacity and as accepted the bribe amount.

24. During evidence PW4 he has referred to Ex P2, ExP3 & ExP7. It is in his evidence that on 29/11/2013 he conducted trap mahazar the attested copy of which is at Ex.P3 and during the said mahazar, he took the voice recorder from PW1 and he called one D.K.Babu, Revenue Inspector, BBMP, Bengaluru who is the higher officer of DGO and played the same, even in his presence and the said Revenue Inspector has identified the voice of the DGO recorded during trap and prior to trap. That he burnt the conversation to CD and transcribed the same as per page No.5 in Ex.P-3 & ExP7. Cross examination of PW4 would

  
29/11



show that he has not complied with the mandate of section 65-B of The Indian Evidence Act, 1872. It needs to be remembered at this juncture that while appreciating evidence in the inquiry proceedings of this nature strict compliance of the provisions of The Indian Evidence Act, 1872 is not required. Therefore, in the absence of compliance of the provisions of section 65-B of The Indian Evidence Act, 1872 contents of page No.5 in Ex.P-3 & Exp7 can be pressed into service in which it is seen that DGO demanded illegal gratification. Therefore, it needs to be inferred that acceptance of cash by the DGO under the guise of doing official favour when the complainant was her subordinate attracts misconduct. It needs to be inferred that since the complainant was working under the DGO which was under the inspection by DGO she must have insisted to fulfill the demand for illegal gratification. In these circumstances, the DGO has not placed any material to lend assurance to the defence put forward by her.

25. Nothing is found in the evidence of PW1 to PW4 that DGO herein was not found in possession of tainted cash. In these circumstances, the DGO has not lead clear, cogent and consistent evidence to lend assurance to the defence put forward by her and would not lend support to her defence. ....

  
28/11

26. 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 & PW4 establishes demand of bribe by DGO. Evidence of PWs 1 to 4 establishes possession of tainted cash by DGO. Evidence of PWs 1 to 4 establishes change of colour of finger wash of DGO and also recovery of tainted cash from the possession of DGO. Further Exp12 i.e., FSL report reveals the presence of phenolphthalein in the right and left hand wash of DGO 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, 1966. In the presence of evidence of PWs 1 to 4 as discussed above I am not persuaded to accept the defence put

  
28/11

forward in the course of written statement and also contentions raised in the course of written argument of DGO.

27. From the evidence of P.W.1 complainant PW2 shadow witness, P.W.3 Investigating Officer and PW4 Panch witness the disciplinary authority has proved the pre-trap mahazar proceedings as per Ex.P2 and trap proceedings as per Ex.P3. 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 PW4 to discredit their testimony with respect to conducting of trap proceedings i.e., Pre-trap mahazar Ex.P2 and post trap mahazar Ex.P3.

28. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W1 to PW4, Ex.P1 to ExP18, as reasoned above, proves that the DGO had demanded and accepted bribe of Rs.5,000/- from P.W.1/complainant on 29/11/2013. The disciplinary authority has proved the charges against this DGO. 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. Accordingly, this point is answered in the **Affirmative**.

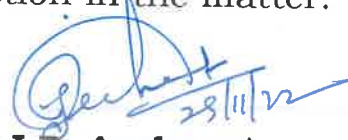
  
29/11

29. **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.

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

  
28/11/22

**(J.P. Archana)**

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

### **ANNEXURES**

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

|       |                        |
|-------|------------------------|
| PW1:- | Sri. Shashidhar M      |
| PW2:- | Sri. T.S. Savitha      |
| PW3:- | Sri. Dr.Anilkumar P.G. |
| PW4:- | Sri. B.Jayaprakash.    |

List of witnesses examined on behalf DGO:-NIL

List of documents marked on behalf of Disciplinary Authority:-

|       |                                               |
|-------|-----------------------------------------------|
| Ex P1 | Certified copy of complaint dated 29/11/2013. |
|-------|-----------------------------------------------|

  
28/11

|        |                                                                                                                                                         |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex P2  | Certified copy of pre-trap panchanama dated 29/11/2013.                                                                                                 |
| Ex P3  | Certified copy of trap panchanama dated 29/11/2013.                                                                                                     |
| Ex P4  | Certified copy of statement of DGO dated 29/11/2013..                                                                                                   |
| Ex.P5  | Certified copy of FIR in Cr. No.64/2013 dated 29/11/2013.                                                                                               |
| Ex P6  | Certified copy of list of currency notes on Cr.No.64/2013.                                                                                              |
| Ex P7  | Certified copy details of conversation transcription in between complainant and DGO dated 29/11/2013.                                                   |
| Ex P8  | Certified copy of statement of D.K.Babu date 29/11/2013.                                                                                                |
| Ex 9   | Certified copy of extract of attendance register in Cr.No.64/2013.                                                                                      |
| Ex P10 | Certified copy cheque for Rs.10.92,522/- dated 25/11/2013.                                                                                              |
| Ex P11 | Certified copy of rough sketch in Cr.No.64/2012                                                                                                         |
| Ex P12 | Certified of Chemical Examiner's report dated 10/12/2013.                                                                                               |
| Ex P13 | Certified copies of document containing the details of names of Revenue Inspector and Bill collector of the office of Revenue Office, Malleswaram Ward. |
| ExP14  | Certified copy of letter dated 03/12/2013 of Additional Commissioner (Admn) BBMP addressed to Police Inspector ,KLA enclosing the information required. |
| Ex P15 | Certified copy list of mobile numbers of President and Members of Standing Committee.                                                                   |
| Ex P16 | Certified copy of service details of DGO.                                                                                                               |
| Ex P17 | Certified copy of sketch of with respect of Cr.No.64/2013.                                                                                              |

  
28/11

|        |                                                                                                                                                                        |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex P18 | Certified copy of inspection report of Revenue Officer dated 28/11/2013 coming under jurisdiction of President of Accounts and member Joint Commissioner (West Range). |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

List of documents marked on behalf of Defence:-

|       |                                                                                                                                                   |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex D1 | Certified copy of evidence of CW1/PW1 Sri. M. Shashidhar beofe 23 <sup>rd</sup> Addl. City Civil and Sessions Judge and Special Judge, Bengaluru. |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------|

  
(J.P. Archana)

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