

ಕರ್ನಾಟಕ ಸರ್ಕಾರಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-2/ಡಿಇ/739/2017/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 31ನೇ ಮಾರ್ಚ್ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ರೇಣುಕಪ್ಪ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ. ಗ್ರಾಅಪ/389/ಗ್ರಾಪಂಕಾ/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08/05/2017.  
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-2/ಡಿಇ/739/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12/06/2017.  
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 28/03/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 08/05/2017 ರಂತೆ ಶ್ರೀ ರೇಣುಕಪ್ಪ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು,

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ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/739/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12/06/2017ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ರೇಣುಕಪ್ಪ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

#### ಅನುಬಂಧ-1

##### ದೋಷಾರೋಪಣೆ

ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಶ್ರೀ ರೇಣುಕಪ್ಪ ರವರಾದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕಿನ ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ದಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ 2014ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಭಿರ್ಮಾದಿಯಾದ ತುಮಕೂರು ಜಿಲ್ಲೆ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಹಂದನಕೆರೆ ಹೋಬಳಿ ನಿರುವಗಲ್ ಗ್ರಾಮದ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಬಸವಾಚಾರ್ ರವರ ತಾಯಿಯಾದ ಶಂಕರಮ್ಮ ರವರಿಗೆ 2014ನೆಯ ಸಾಲಿನ "ಬಸವ ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆ" ಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದ ಹಣ ರೂ. 60,000/- ಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡುವ ಬಗ್ಗೆ ದಿನಾಂಕ: 27/12/2014 ಕ್ಕೆ ಮೊದಲು ನಿಮ್ಮ ಬಳಿ ಬಂದು ಭಿರ್ಮಾದಿಯು ವಿಚಾರಿಸಿದಾಗ ನೀವು ಒಟ್ಟು ರೂ. 500/- ಗಳನ್ನು ಲಂಚವಾಗಿ ಕೇಳಿದ್ದು ಆ ಪೈಕಿ ರೂ. 300/- ಗಳನ್ನು ಮುಂಗಡವಾಗಿ ಪಡೆದು ಮಿಕ್ಕುಳಿದ ರೂ. 200/- ಗಳನ್ನು ಕೊಡುವಂತೆ ನೀವು ಒತ್ತಾಯಿಸಿದ್ದು ಅದರಂತೆ ದಿನಾಂಕ: 14/01/2015 ರಂದು ತುಮಕೂರು ಜಿಲ್ಲೆ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಾರ್ಯಾಲಯದ ಸಭಾ ಭವನದಲ್ಲಿ ಬೆಳಗ್ಗೆ ನುಮಾರು 11-55 ಗಂಟೆಗೆ ನಿಮ್ಮ ಸೂಚನೆ ಮೇರೆಗೆ ಖಾಸಗಿ ವ್ಯಕ್ತಿಯಾದ ಬೆಳಗುಲಿ ಗ್ರಾಮ

ಪಂಚಾಯತಿಯ ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಆದ ಶ್ರೀ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ಭಿರ್ಯಾದಿಯಿಂದ ರೂ. 200/- ಗಳನ್ನು ಲಂಚವಾಗಿ ಪಡೆದುಕೊಂಡು ಆ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯಾದ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಆರಕ್ಷಕ ಉಪ ನಿರೀಕ್ಷಕರಿಗೆ ನೀವು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಸದರಿ ಹಣವು ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರ ಬಳಿ ಬಂದ ಬಗ್ಗೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಮತ್ತು ನಿಮ್ಮ ಸೂಚನೆಯಂತೆ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ಪಡೆದ ರೂ. 200/- ಗಳ ಬಗ್ಗೆ ನೀವು ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಆ ಮೂಲಕ ಕರ್ತವ್ಯರೋಪನೆಗಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ರೇಣುಕಪ್ಪ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ನಾಲ್ಕು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-4 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-23 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ ತಾವೇ ಡಿ.ಬ್ಲ್ಯೂ-1 ಎಂಬ ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-3 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

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6. ಅ.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 ಅ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ರೇಣುಕಪ್ಪ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

31/3/23

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-2,

ಕರ್ನಾಟಕ ರಾಜ್ಯ

**KARNATAKA LOKAYUKTA**

NO. UPLOK-2/DE/739/2017/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 28/03/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Renukappa, Panchayath Development Officer, Belagudi Grama Panchayathi, Chikkanayakanahalli Taluk, Tumkuru District -reg.

Ref: 1. Order No. ಗ್ರಾಅಪ /389/ಗ್ರಾಪಂಕಾ/2017ಬೆಂಗಳೂರು, ದಿನಾಂಕ 08/05/2017.  
2. Nomination Order No. UPLOK-2/DE/739/2017, Bengaluru, dated 12/06/2017.

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1. The Departmental Enquiry is initiated against Sri. Renukappa, Panchayath Development Officer, Belagudi Grama Panchayathi, Chikkanayakanahalli Taluk, Tumkuru District (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 26/12/2014. The allegations in the complaint is that in the year 2014, mother of the complainant was allotted a house under Basava Vasathi Indira Awaz Yojane. The complainant has completed the lenthil and roofing of the said house. For that complainant approached the Panchayath Development Officer of Belaguli Grama Panchayathi and enquired about sanction of amount of Rs.60,000/-. The DGO working as



PDO of Belagali Grama Panchayath demanded bribe of Rs.500/- for releasing amount of Rs.60,000/- in two instalments in the name of his mother. Out of said Rs.500/-, the DGO had received Rs.300/- earlier and demanded balance bribe of Rs.200/-.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Tumkuru on 26/12/2014, he has lodged complaint before Police Inspector, Karnataka Lokayukta Tumkuru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.34/2014 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 14/01/2015, as per the instructions of DGO, Rangaswamy. Bill Collector was caught red handed while accepting illegal gratification of Rs.200/- from the complainant near private bus stand situated at Chikkanayakanahalli - Huliyaaru at about 11.55 a.m. and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Tumkuru. Both DGO and Rangaswamy, Bill Collector have failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

  
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4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 02/03/2017 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 Director, (Administration and Human Resources) by order dated 08/05/2017 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 12/06/2017, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಶ್ರೀ ರೇಣುಕಪ್ಪ ರವರಾದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕಿನ ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ದಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ 2014ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಫಿರ್ಯಾದಿಯಾದ ತುಮಕೂರು ಜಿಲ್ಲೆ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಹಂದನಕೆರೆ ಹೋಬಳಿ .....

  
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ನಿರುವಗಲ್ ಗ್ರಾಮದ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಬಸವಾಚಾರ್ ರವರ ತಾಯಿಯಾದ ಶಂಕರಮ್ಮ ರವರಿಗೆ 2014ನೆಯ ಸಾಲಿನ "ಬಸವ ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆ" ಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದ ಹಣ ರೂ. 60,000/- ಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡುವ ಬಗ್ಗೆ ದಿನಾಂಕ: 27/12/2014 ಕ್ಕೆ ಮೊದಲು ನಿಮ್ಮ ಬಳಿ ಬಂದು ಫಿರ್ಯಾದಿಯು ವಿಚಾರಿಸಿದಾಗ ನೀವು ಒಟ್ಟು ರೂ. 500/- ಗಳನ್ನು ಲಂಚವಾಗಿ ಕೇಳಿದ್ದು ಆ ಪೈಕಿ ರೂ. 300/- ಗಳನ್ನು ಮುಂಗಡವಾಗಿ ಪಡೆದು ಮಿಕ್ಕುಳಿದ ರೂ. 200/- ಗಳನ್ನು ಕೊಡುವಂತೆ ನೀವು ಒತ್ತಾಯಿಸಿದ್ದು ಅದರಂತೆ ದಿನಾಂಕ: 14/01/2015 ರಂದು ತುಮಕೂರು ಜಿಲ್ಲೆ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಾರ್ಯಾಲಯದ ಸಭಾ ಭವನದಲ್ಲಿ ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 11-55 ಗಂಟೆಗೆ ನಿಮ್ಮ ಸೂಚನೆ ಮೇರೆಗೆ ಖಾಸಗಿ ವ್ಯಕ್ತಿಯಾದ ಬೆಳಗುಲಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಆದ ಶ್ರೀ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ಫಿರ್ಯಾದಿಯಿಂದ ರೂ. 200/- ಗಳನ್ನು ಲಂಚವಾಗಿ ಪಡೆದುಕೊಂಡು ಆ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯಾದ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಆರಕ್ಷಕ ಉಪ ನಿರೀಕ್ಷಕರಿಗೆ ನೀವು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಸದರಿ ಹಣವು ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರ ಬಳಿ ಬಂದ ಬಗ್ಗೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಮತ್ತು ನಿಮ್ಮ ಸೂಚನೆಯಂತೆ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ಪಡೆದ ರೂ. 200/- ಗಳ ಬಗ್ಗೆ ನೀವು ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಆ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪನೆಗಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

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





ಅನುಬಂಧ-2  
ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ದೂರುದಾರರಾದ ಬಸವಾಚಾರ್ ಬಿನ್ ರಾಮಾಚಾರ್, ನಿರವಗಲ್ ಗ್ರಾಮ, ಹಂದನಕೆರೆ ಹೋಬಳಿ, ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ತಾಯಿಯಾದ ಶಂಕರಮ್ಮ ಕೋಂ ರಾಮಾಚಾರ್‌ರವರಿಗೆ 2014ನೇ ಸಾಲಿನಲ್ಲಿ ಬಸವ ಇಂದಿರಾ ಆವಾಜ್ ವಸತಿ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಮನೆ ಮಂಜೂರಾಗಿದ್ದು, ಲಿಂಟಲ್ ಮತ್ತು ರೂಫಿಂಗ್ ಪೂರ್ಣಗೊಳಿಸಿದ್ದು ಒಟ್ಟು ರೂ.60,000/-ಗಳ ಹಣವನ್ನು ಮಂಜೂರು ಮಾಡಬೇಕಾಗಿರುವ ಸಂಬಂಧ ನಿಮ್ಮನ್ನು ಫಿರ್ಯಾದಿಯು ದಿನಾಂಕ: 27/12/2014 ಕ್ಕಿಂತ ಮುನ್ನ ಭೇಟಿಯಾದಾಗ ನೀವು ರೂ.500/- ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಮುಂಗಡ ರೂ.300/- ಪಡೆದುಕೊಂಡು ಉಳಿದ ರೂ.200/- ಗಳನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದರ ಸಂಬಂಧ ದಿನಾಂಕ 23-12-2014ರಂದು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕಛೇರಿ ಹೋಗಿ ಫಿರ್ಯಾದಿಯು ಮಾಹಿತಿ ನೀಡಲಾಗಿ ತನಿಖಾಧಿಕಾರಿಯಾದ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಒಂದು ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ನೀಡಿ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಳ್ಳುವಂತೆ ನೀಡಿದ ಸೂಚನೆಯ ಮೇರೆಗೆ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮೊಂದಿಗೆ ಮಾತನಾಡಿರುವುದನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡಿದ್ದು, ಲಂಚ ಕೊಟ್ಟ ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ತನಿಖಾಧಿಕಾರಿಯವರನ್ನು ಭೇಟಿ ಮಾಡಿ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮ ವಿರುದ್ಧ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 34/2014 ರಲ್ಲಿ ಲಂಚ



ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7, 13(1)(ಡಿ) ಜೊತೆಗೋಡಿ 13(2) ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ನೊಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಿಸಿದ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ನೂರು ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 2 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಆಪಾದಿತರನ್ನು ಬಲೆಗೆ ಬೀಳಿಸಲು ಸಮಯದ ಅಭಾವವಿದ್ದ ಕಾರಣ ದಿನಾಂಕ 29-12-2014ಕ್ಕೆ ಮುಂದಿನ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮುಂದೂಡಿದ್ದು ತದನಂತರ ದಿನಾಂಕ 14-01-2015ರಂದು ಬೆಳಿಗ್ಗೆ 10-05 ಗಂಟೆಗೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯನ್ನು ಬಿಟ್ಟು ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿಯ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಛೇರಿಯ ಕಟ್ಟಡದ ಮೊದಲನೆ ಮಹಡಿಯಲ್ಲಿ ನಿಮ್ಮನ್ನು ಫಿರ್ಯಾದಿ ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿಯು ಭೇಟಿಯಾಗಿದ್ದು ರೂ. 200/- ಗಳನ್ನು ಅಲ್ಲಿದ್ದ ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರಿಗೆ ಕೊಡುವಂತೆ ನೀವು ಸೂಚನೆ ಕೊಟ್ಟಿದ್ದು ಅದರಂತೆ ಅಲ್ಲಿದ್ದ ಸದರಿ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ಫಿರ್ಯಾದಿಯಿಂದ ಬೆಳಿಗ್ಗೆ 11-55 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಲಂಚವಾಗಿ ರೂ.200/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರಿಂದ ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚ ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ನಿಮ್ಮ ಹಾಗೂ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರ ಹೇಳಿಕೆಗಳನ್ನು ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ

  
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ಮುದ್ದೆಮಾಲುಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:14-01-2015ರಂದು ರೂ.200/- ಲಂಚದ ಹಣವನ್ನು ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರ ಮುಖಾಂತರ ಪಡೆದುಕೊಳ್ಳುವಾಗ ಡಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ ರವರು ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ನೀವು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ ನಿಮ್ಮ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪ ಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ 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 this authority on 02/04/2018 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 02/04/2018, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/12/2037.**

9. The DGO has filed written statement dated 11/06/2018 denying the allegations made against him in the articles of charge and statement of imputation. Further contended that at the threshold the charges made in the articles of charge are baseless and without any substance as there is no prima-facie evidence what so ever against him, hence the charges are liable to be dropped in limine in the interest of justice and equity.
10. DGO further contended that it is pertinent to note that thus from the very complaint it is clear that there is no actual demand of bribe amount by him. Therefore prima facie there can no be charge against him when there is no allegation of demand of bribe. Further contended that in fact, in the instant case neither there is any demand nor there is any recovery of amount. Admittedly there is no recovery of the amount from him, much less there is any demand, hence he is liable to be exonerated from the charges.
11. DGO further contended that it is also forth coming from the records that, on the basis of the false complaint dated 26/12/2014 the Lokayukta Police have registered FIR in Crime No.34/2014 and

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thereafter prepared pre trap Mahazar to trap him for the purpose of collecting evidence on 27/12/2014 at about 11.40 a.m. and subsequently on 29/12/2014 made an attempt to trap but failed in it's attempt. Further contended that again on 08/01/2015 the Lokayukta Police along with its trap team tried to trap him but during the said trap he has out rightly refused the bribe amount. The said facts clearly show that he had never demanded the bribe amount and he is a honest servant of the Government but he is falsely implicated in the case, therefore the charges made against him is liable to be dropped.

12. DGO further contended that it is pertinent to note that, according to the complainant the alleged incident took place on 24/12/2014, whereas on 17/11/2014, the DGO had completed his work of uploading GPS in respect of complainant's house. Therefore there was no pending official work from his side, and he had no occasion to demand bribe and has not committed any office of moral turpitude. Further contended that the present complaint is lodged only to harass to him, by the complainant as a weapon of vengeance for not heeding to his illegal demands.
13. DGO further contended that the pre-enquiry by using tape recorder which is opposed to law also does not reveal any categorical demand of bribe amount made by him to do any official favour, as such he prays not to initiate departmental proceedings, as the same will hamper his future prospects in his employment. Further contended that there is no misconduct on his part and he

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prayed that he may be exonerated from the imputation of charges leveled against him in the interest of justice and equity.

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

1. **Whether the disciplinary authority proves that the DGO while working as Panchayath Development Officer, Belaguli Gram Panchayath, Chikkanayanayakanahalli, Tumkuru District, demanded Rs.500/- bribe for releasing total amount of Rs.60,000/-in two instalments in the name of his mother with respect to the house sanctioned to her under Basava Vasathi Indira Awaz Yojana and out of that Rs.500/-, DGO had received Rs.300/- earlier and demanded balance of Rs.200/- and the complainant not willing to pay the amount lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Tumkuru who registered case in Cr.No.34/2014 and took up investigation and on 14/01/2015, Sri. Rangaswamy, working as Bill Collector in the office of DGO was caught red handed while demanding and accepting illegal gratification of Rs.200/- /- from the complainant near private Bus Stand situated at Chikkanayakanalli-Huliyar Road as per the instructions of DGO and the said amount was seized under a**

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**mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Tumkuru and the DGO and the said Rangaswamy, have failed to give satisfactory or convincing explanation for the said tainted amount found from the possession of Rangaswamy, bill Collector, when questioned by the said I.O. and thereby 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?**

15. (a) The disciplinary authority has examined Sri. Basavachar/ complainant as PW-1, Sri. Yadunandan/panch witness as PW2, Sri.Ganganna/shadow witness as PW3 and Sri. M.R.Gowtham/Investigating Officer as PW4 and got exhibited 23 documents on it's behalf.

(b) The DGO has examined himself as DW1 by filing affidavit in lieu of his chief examination and got examined one Nagraj s/o Ganganayaka has DW2 and got marked ExD1 to ExD3 documents on his behalf.



(c) Since DGO has adduced evidence by examining himself, hence, incriminating circumstances which appeared against him in the evidence of PW1 to PW3 is not put to him by way of questionnaire and same is dispensed.

16. Heard both side arguments and perused the written argument filed by the counsel for the DGO and all the documents.
17. The answers to the above points are:
1. In the Negative.
  2. As per final findings for the following:-

### **REASONS**

18. **Point No.1:-** (a) P.W.1/complainant Sri. Basavachar has deposed in his evidence that the DGO was working as Panchyath Development Officer of Belaguli Grama Panchayath of Tumkur District in the year 2014. That a house was sanctioned to his mother Shankamma under Basava Vasthi Indira Awaz Yojane for Rs.1,20,000/- by Gram panchayath. That on 23/12/2014 he met DGO and enquired him about his sanctioned amount. That DGO told he has to pay Rs.500/ to his case worker and only if it is paid the proceedings will be made for release of the amount. PW1 has further stated that his friend by name Shantharaju asked him to go to Lokayukta Police Station. That the said Shantharaju is the resident of Laxmipura of Hanganakere Hobli. That on 24/12/2014 at about 10.30 a.m. he went to Lokayukta Police Station, Tumkuru

  
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and met staff and Police Inspector, A.R.Gowtham. That I.O. told him to give the complain and the he would give one voice recorder to him. That on 26/12/2014 he has lodged complaint as per Ex.P1 and received voice recorder and on the same day he went to the DGO and enquired him, DGO told that he does not want any amount and he has go give the amount to case worker Nirmala. That he has recorded the conversation between him and DGO and produced it to Lokayukta Police. That since it was evening I.O. told him to come on the next day. PW1 further deposed that I.O. has called one G.S. Satish Kumar as shadow witness and one Yadunandan T.M. as panch witness. That he has produced 5 notes of Rs.100/- denomination each and Lokayukta Police smeared powder to the said notes and panch witness T.M. Yadunandan kept the notes in his shirt pocket and his hands were washed in solution and the said solution turned to pink colour and I.O. seized the said solution. That the I.O. gave one voice recorder to him and for that I.O. has drawn panchanama as per Exp2. That the I.O. instructed him to give signal by wiping his face with kerchief. Further he stated that all of them went to the office of DGO on 27/12/2014. DGO has not come to his office due to pain in his eye. That all of them returned to Lokayukta office and he returned the tainted notes and voice recorder to I.O.

19. PW1 further stated that on 29/12/2014 he, shadow witness, panch witness reported before I.O. and I.O. gave tainted notes and voice recorder and has drawn mahazar in this regard as per Exp3. That later on all of them left to Lokayukta Police Station and went

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to the office of DGO and since DGO was not in his office, they returned to Lokayukta Police Station and I.O. has received the tainted notes and voice recorder from him and drawn panchanama in this regard as per Exp4.

20. PW1 further stated that on 08/1/2015, he, shadow witness and panch witness went to Lokayukta Police station. There I.O. has given powder smeared notes and voice recorder to him and drawn a panchama on the above said proceedings as per Ex.P5 and on the same day he, shadow witness and panch witness went to the office of DGO and found that DGO was not there. That he called DGO through his mobile and told he is at Gubehalli. That all of them left to Gubehalli but DGO was not there and from there he called DGO and DGO told that he has told Rangaswamy to receive the money and do the work. That he called Rangaswamy through his mobile and he told that he is at Belaguli and since there was no possibility of meeting DGO on that day all of them returned to Lokayukta Police station, That he returned tainted amount and voice recorder to I.O. and the I.O. has drawn a panchanama in this regard as per Ex.P6.

21. PW1 further stated that on 14/01/2015 he, shadow witness and panch witness went to Lokayukta Police Station and I.O. gave tainted notes and voice recorder to him and drawn panchanama as per Ex.P7. That on the same day all of them went Chikkanayakanahalli Taluk Panchayath office and reached there at 12.35 p.m. that before reaching there he called DGO through

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his mobile and DGO told that Rangaswamy is in the office and asked me to contact him. That later on he and shadow witness Satish went inside the office and found that DGO was not in the office and he talked to Rangaswamy who was present there and told him that DGO has asked him to give the money to him. That the said Rangaswamy called DGO and DGO told him to receive the amount and give it one Nirmala and get his work done. That later on he gave money to Rangawamy and he received the amount in his right hand and kept it in his right side pant pocket and he gave signal by wiping his face with kerchief and I.O. panch witness came inside the office Rangaswamy and G.S. Sathishkumar told the I.O. that Rangaswamy has received the amount from him. That later on I.O. has brought all of them along with Rangaswamy to the meeting hall and got prepared solution separately in two bowls and got both hands of Rangaswamy washed separately in the solution and the solution turned to pink colour. That G.S. Sathish Kumar removed the tainted notes from right side pant pocket of Rangaswamy by making alternate arrangements and I.O. seized the tainted notes. That I.O. seized the documents and the I.O. enquired Rangaswamy about the said notes and has drawn trap mahazar with respect to the above proceedings as per Ex.P8. That Rangaswamy has given explanation as per Ex.P9. That I.O. received voice recorder from him and played it and made him hear the same and I.O. transcribed it in the mahazar and arrested Rangaswamy and he went back to his village.

  
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22. (a) PW2/panch witness Sri. Ganganna has deposed in his evidence that on 25/12/2014 as per the instructions of his higher officer he went to Lokayukta Police Station, Tumkuru at about 11.30 a.m. or 12.00 p.m. That the complainant and G.S. Sathishkumar another witness were present there and I.O. introduced the complainant and he and other witnesses read over the complaint. That he came to know that the DGO has demanded Rs.500/- bribe for release of amount sanctioned to the mother of the complainant under Indira Awaz Scheme for sanction of house and has already received Rs.300/- in this regard. That I.O. played voice recorder produced by the complainant and the complainant produced two notes of Rs.100/- denomination each and he has written numbers of the currency notes in a sheet on the dictation by G.S.Sathishkumar. that I.O. got smeared phenolphthalein powder on the notes and he has kept the said notes in the left side shirt pocket of the complainant. That I.O. instructed PW1 to give the notes when demanded by DGO and on acceptance to give signal by wiping his face with kerchief. That I.O. got prepared sodium carbonate solution and taken sample of the same and has got his hands washed in the remaining solution and said solution turned to pink colour. That the I.O. seized the said solution and has drawn pre trap mahazar with respect to the above proceedings as per Ex.P.2. That I.O. gave one voice recorder to PW1 and asked him to switch it on at the time of meeting of DGO and asked to come on 29/12/2014 and collected the tainted notes and voice recorder from PW1 and kept them in the almirah.

  
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23. PW2 further stated that on 29/12/2014 at about 8.30 a.m. he and G.S. Satishkumar appeared before Lokayukta Police and complainant was present and he kept the tainted notes in the left side shirt pocket of PW1 and I.O. gave voice recorder to PW1 and repeated the instructions given on 27/12/2014 and has drawn mahazar in this regard as per Ex.P3. PW2 further stated that all of them left Lokayukta police station and went to Chikkanayakanahalli and reached there at 11.15 a.m.. That PW1 and G.S. Sathishkumar went to Gram Panchayath office and spent some time there and they came back and informed that DGO was not there, so all of them returned to Lokayukta Police Station and PW1 gave tainted notes and voice recorder to I.O. That the I.O. has drawn mahazar in this regard as per Ex.P3.
24. That he, shadow witness, panch witness reported before I.O. and I.O. gave tainted notes and voice recorder and has drawn mahazar in this regard as per Exp3. That later on all of them left to Lokayukta Police Station and went to the office of DGO and since DGO was not in his office, they returned to Lokayukta Police Station and I.O. has received the tainted notes and voice recorder from him and drawn panchanama in this regard as per Exp4.
25. PW2 further deposed that on 07/01/2015 and I.O. told them to come on 08/01/2015. That on 08/01/2015 he and G.S. Satishkumar came to Lokayukta Police Station at 9.20 a.m. and he kept the tainted notes in the left side shirt pocket of PW1 and I.O. gave voice recorder to PW1 and all of them left Lokayukta Police

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Station and reached Chikkanayakanahalli at 11.30 a.m and the complainant and G.S. Satishkumar went inside the office of DGO and after some time they returned and told that DGO had gone to Belaguli Grama. That complainant, G.S. Satishkumar and Lokayukta staff went to Belaguli Gram Panchayath Office in a goods vehicle belonging to relative of the complainant and that he and I.O. and other staff went and stood at Gubehalli at about 12.00 p.m. That after sometime complainant and G.S. Satish Kumar came there and on enquired by Investigating Officer they told that DGO was in the Belaguli Gram Panchayathi and he has asked them to give amount to one Rangaswamy, bill collector and being confused the complainant contacted the DGO through his mobile and DGO told he was in Devaragudi and the I.O decided that if they contacted him again and again it will create suspicion in his mind, so all of them went back to Lokayukta Police Station and I.O. has drawn mahazar as per Ex.P6 in this regard. That the I.O. received the tainted notes and voice recorder from PW1.

26. PW2 further deposed that on 13/01/2015 he went to Lokayukta Pllice station and saw the complainant and one Ganganna and G.S. Satishkumar had not come. That the I.O. asked him to come on the next day. That on 14/01/2015 he again went to Lokayukta Police Station and there complainant and one Ganganna were present. That he received the notes from I.O. and kept it in the left side shirt pocket of the complainant and the I.O gave voice recorder to PW1. That the I.O. repeated instruction given on 27/12/2014 and has drawn mahazar in this regard as per Ex.P7.

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That later on all of them left Lokayukta Police Station and reached Chikkanayakanahalli Gram Panchayath at 11.00 a.m. That PW1 and Ganganna went inside the office and later on they came out and went near a private bus stand and that after 15-20 minutes Ganganna contacted the I.O. through his mobile and informed that they given tainted notes to Rangaswamy, bill collector. That he. I.O.. and his staff to the 1<sup>st</sup> floor of the building which was near bus stand and all of them went inside the computer centre and PW1 showed him a person and told that he is Rangaswamy, bill collector and further told that when he went to give the amount to him he told not give on that day and PW1 told it is difficult to come again and again, then Rangaswamy called DGO in his mobile and later on he accepted the tainted notes.

27. PW2 further stated that I.O. showed his identity card to Rangaswamy, bill collector and enquired about the money. That Rangaswamy told that he has kept it in his right side pant pocket and the said Rangaswamy removed it and gave it to I.O. with his right hand. That the notes were the powder smeared notes and I.O. got prepared sodium carbonate solution in two bowls and has taken sample of the same. That I.O. got right hand and left hand of Rangaswamy washed separately in the solution kept in two bowls. The said solution turned to pink colour and I.O. seized the solution separately. That since it was evening to do further proceedings in computer centre, I.O. took all of them to Chikkanayakanahalli Taluk Panchayath office to the meeting hall. That I.O. received voice recorder from PW1 and played it and it

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contained conversation and I.O. got it burnt to the C.D. and transcribed the same. That I.O. seized pant of Rangaswamy by making alternate arrangement and got washed portion of the pant pocket dipped in the solution and the said solution turned to pink colour and I.O. seized the solution and pant. That I.O. has drawn mahazar in respect of the above proceedings as per Ex.P8. That Sri. Ravindra, Deputy Director was also present that when I.O. enquired Rangaswamy about the file of PW1, he told that it is in Belaguli Gram Panchayathi office. That the I.O. enquired Rangaswamy, Bill Collector about the tainted notes and he has given explanation as per Ex.P9. That I.O. called PWD Engineer and got sketch prepared as per Ex.P10. Later on I.O. took Rangaswamy to Belaguli and came to know that the file was submitted for auditing and the I.O. arrested Rangaswamy.

28. PW2 further stated that on 19/01/2015 he was called to Tumkur Lokayukta Police Station and the voice of Rangaswamy was recorded in the voice recorder. That I.O. called Rangaswamy to Lokayukta Police Station and recorded his sample voice and got it transferred to C.D. and has seized the same and has drawn mahazar in this regard as per Ex.P11.

29. (a) PW3 Sri. Ganganna/shadow witness in his evidence deposed that on 13/01/2015 his higher officer told him to go to Tumkur Lokayukta Police Station on 14/01/2015 at 8.00 a.m. That he went to Lokayukta Police Station on 14/01/2015 at 8.00 a.m. There Yadunandan and complainant were present. That he was

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sent as witness instead of Satishkumar. That the tainted amount was removed by Yedunandan. The said amount was kept in cover and the same was kept in the right side shirt pocket of PW1. That I.O. gave voice recorder to PW1 and instructed him to switch it on and record the conversation of both PW1 and DGO and to give the tainted amount to the person to whom DGO says to give the amount. I.O. has given his mobile number to him and asked him to accompany PW1 and watch what transpires between PW1 and the DGO and to call him to his phone. That the I.O. instructed PW1 to give signal by wiping his face with kerchief after receipt of tainted amount by DGO and drawn mahazar with respect to the above proceedings as per Ex.P7.

30. PW3 further stated that on that day at about 9.30 a.m. all of them went to Chikkanayaknahalli and reached there between 10.45 to 11.00 a.m. that he and PW1 went inside the Taluk office and DGO was not in the office. That PW1 has taken him to civil bus stand to the other office of DGO and when they were on the way to the office, DGO came on motor cycle and PW1 called DGO and DGO while riding the motor cycle told PW1 to go to the office and there one Rangaswamy will be there. That they went to the office and in the office one lady was using computer and one person and Rangaswamy were there. That when complainant went to give amount to Rangaswamy, he told that he will take it next day and PW1 told that he cannot come next day and he gave amount to Rangaswamy and Rangaswamy received the amount and kept it



in his right side pant pocket and he called the police. That before giving amount to Rangaswamy DGO had talked with Rangaswamy.

31. PW3 further stated that after giving call immediately police came and PW1 showed Rangaswamy to the police and told that he has received the amount. The I.O disclosed his identity to Rangaswamy and got prepared solution in three bowls and taken sample of one bowl and got washed both the hands of Rangaswamy separately in two bowls. The right hand wash turned to pink colour and the left hand wash did not change its colour and I.O. seized both hand wash separately. That the I.O. enquired Rangaswamy about tainted amount and he told the amount was kept in the right side pant pocket of his pant and he removed the said amount and given it to Yadunandan. PW3 further stated that Yadunandan tallied the said notes with the notes noted at the time of pre trap mahazar and I.O. seized the amount. That on enquiry by I.O. about the documents pertaining to PW1, Rangaswamy told that they are in Taluk Panchayath office and all of them came to Taluk Panchayath office and the Manager of Taluk Panchayath left community hall to them. That Rangaswamy has given his explanation in writing and the I.O. has taken his and other witnesses statement and I.O. played the voice recorder through computer before them and made them hear the same and I.O. got the portion of the pant pocket of Rangaswamy dipped in the solution and the solution turned to pink colour and I.O. seized the pant after making alternate arrangement and also seized the solution.

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32. (a) PW4/ Sri. M.R.Gowtham, Investigating Officer has deposed in his evidence that he has served as P.I. in Lokayukta Police station, Tumkur, from 07/09/2012 to 26/09/2015. That on 23/12/2014, complainant/PW-1 came to his police station and said that the DGO, working as PDO in Belaguli Grama Panchayath demanded bribe of Rs. 500/- for releasing amount of two instalments of total Rs. 60,000/- in name of his mother with respect to Basava Vasathi Indira Avaz Yojana. That out of said Rs. 500/-, the DGO had received Rs. 300/- earlier and the DGO was demanding the balance bribe of Rs. 200/-. That he gave the voice recorder to PW-1 to record the conversation between him and DGO.
33. PW4 has further deposed in his evidence that on 26/12/2014, PW-1 came again to his police station and returned the voice recorder to him, containing the conversation recorded on 24/12/2014. That PW-1 gave him the written complaint at 5:30 p.m as per Ex.P-1 and he registered the complaint at crime number 34/2014 for offence punishable u/s 7 of P.C.Act, 1988 and identified xerox copy of FIR as Ex.P-12. That as it was late, he instructed PW-1 to come on the next day morning. PW4 further deposed that on 27/12/2014, he sent requisition to Tumkur Urban Development Authority and KIADB, and secured 2 witnesses, one each from Urban Development Authority and KIADB. Sri.T.M.Yadhunandan, PW-2 from Tumkur Urban Development Authority and Sathish Kumar from KIADB reported before me at 11:40 a.m. That at 12:10 p.m, PW-1 also came to his station and



he introduced them to his staff and complainant. That he told them the contents of the complaint and gave copy of the same to go through it and they read the same and ascertained the same from complainant/PW-1. That they also agreed to act as panch witnesses and he played the voice recorder through laptop containing conversation between PW-1 and DGO and got it transcribed the same in mahazar and burnt it to CD. That PW-1 gave 2 notes of Rs.100/-each i.e., total Rs. 200/- to him to lay the trap and he got the list of currency notes prepared by panch witness, Sathish Kumar and PW-2 wrote the as per Ex.P-13.

34. PW4 further deposed that he got phenolphthalein powder applied to both sides of the currency notes through his staff and got the same kept in the left side shirt pocket of PW-1 through PW-2. That he got the sodium carbonate solution prepared through his staff and took sample of the same. That he got the fingers of PW-2 washed in the said solution. That the said solution turned to pink colour and he took sample of the same. That he labelled the samples as article number 1. That he kept the articles in the almira of his police station. That he sealed the articles using the letter 'R'. That he told about the chemical reaction between phenolphthalein and sodium carbonate solution to PW 1 and 2 and another panch witness. That he gave instructions to PW-1 to give signal by wiping face with kerchief, after DGO receives the bribe amount and to give the bribe amount only on demand by DGO. PW4 further stated that PW-1 told that, as that day is Saturday and DGO may not be available, he took the tainted money from

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PW-1 and kept it in the cupboard and asked PW-1, PW-2 and the other witness to come on 29/12/2014 at 9:00 a.m. That he drew pre-trap panchanama as per Ex.P-2. That he also took the photographs of the proceedings.

35. PW4 further deposed that 29/12/2014, the above said panch witnesses reported before him at 9:00 a.m and PW-1 came at 9:30 a.m. That he got the amount removed through PW-2 and kept in shirt pocket of PW-1. That he gave a voice recorder to PW-1 and instructed him to give the same signal. That he instructed Sathish Kumar to act as shadow witness. That he drew panchanama from 9:30 a.m to 10:15 a.m. as per Ex.P-3.
36. PW4 further deposed that all of them left to the office of DGO, and reached there at about 11:50 a.m. That on reaching there, they learnt that the DGO is on leave, as he is suffering from eye infection, so all of them returned and he drew the return panchanama as per Ex.P-4. PW4 further deposed that on 07/01/2015 the complainant informed him that DGO has returned to his duty so for further proceedings he has informed panchas and complainant to appear before him on 08/01/2015 and he identified the copy of the letters written to the higher officer as per Ex.P14.
37. PW4 further stated that on 08/01/2015 at 9.45 a.m. panch witnesses and complainant appeared before him. That he got tainted notes removed from Almirah through PW2 and got it kept in the right side shirt pocket of complainant through PW2. That he

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asked Satish Kumar to act as shadow witness and he has taken photographs of the proceedings and prepared mahazar in this regard as per Ex.P5. PW4 further deposed that on 10.45 a.m. they left Lokayukta Police Station and reached Taluk Panchayath, Chikkanayakanalli and Satish Kumar and complainant went to the office of DGO and came back and told DGO was not in the office and he has gone to the border village for visit. That later on the complainant told that he got information from his known persons that DGO has gone to Gubehalli and Niduvagal Gram. That the complainant and shadow witness came to him and informed this fact to him and after taking opinion of the panchas that if they continued the proceedings the DGO will get suspicious, so they stopped the proceedings. That the complainant had talked with DGO through loud speaker and said conversation was recorded. That they returned to the Lokayukta Police station and recorded the proceedings and conducted mahazar in this regard as per Ex.P6. That he got the recordings burnt to C.D. in the presence of panchas and received the tainted notes and kept it in the almirah and instructed parties to maintain secrecy.

38. PW4 further stated that on 13/01/2015 complainant called him and informed about DGOs presence in his office. That on 14/01/2015 at about 8.30 a.m. PW2 and PW3 appeared before him. That he got the tainted notes from almirah through PW2 and got it kept in the shirt pocket of the complainant. That he deputed PW3 as shadow witness. That he took facts of the proceedings and conducted mahazar as per Ex.P7. That on the same day at about

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10.05 a.m. all of them left Lokayukta Police station and reached Taluk Panchayath, Chikkanayakanahalli and he repeated the instructions to complainant and shadow witness and he sent one Prakash and Nagark to accompany with the complainant. That after some time the complainant and shadow witness came out without giving signal and went near the private bus stand situated in Huliyaru road. That his staff followed him . That at 11.55 a.m. PW3 called from his mobile No.9448881721 and told that accused Rangaswamy having received the tainted notes. That all of them went to the spot. That the complainant took them to the 1<sup>st</sup> floor of computer centre which was in the limits of Belaguli Gram Panchayath and showed a person and told that he has received tainted notes. That he introduced himself to the said person and asked his details and he came to know that he is Rangaswamy and is working as bill collector in Belaguli Gram Panchayath. That another 2 persons were present in the computer centre and on enquiry he came to know that there name was Sri. G. Nagaraj Nayak and Smt. B.N. Sudha. That he got prepared sodium carbonate solution in two bowls and has taken sample of the same separately and got washed both hands of Rangaswamy in the solution and the solution of both hands turned to pink colour and he seized the sample of the said solutions. That when he asked Rangaswamy about the notes, he told that he has kept it in the right side hip pocket of his pant. That he got the notes removed from PW3 and both PW2 and PW3 got it tallied with the numbers of notes noted in pre trap mahazar and they were tallying with each other. That he has seized the pant of Rangaswamy by making

  
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alternate arrangement and got prepared sodium carbonate solution and took sample of the same and he got the portion of right side hip pocket of his pant dipped in the solution and the said solution turned to pink colour. That he has seized the said solution and also the pant.

39. PW4 further stated that on enquiry to Rangaswamy about the document pertaining to complainant, he told that it is in Belaguli Gram Panchayath. That since the place was not convenient to conduct trap proceedings he has taken all of them to Chikkanayakanahalli gram panchaythi and after taking the consent of the Manager he has continued the trap proceedings in the meeting hall. PW4 further deposed that on enquiry to PW3, he told about giving the amount to Rangaswamy and he has taken his statement. That he has also take statements of Rangaswamy as per Ex.P9. That he received the voice recorder and played it and got it transcribed as per Ex.P8 and got voice recorder burnt to C.D. and seized the same. That he played the voice recorder before Ravindra Kumar, Executive Officer and he identified the voice of the DGO. That he has prepared the sketch of the spot as per Ex.P16. That he got sketch of the spot prepared through PWD department Engineer as per Ex.P10. That he enquired Rangaswamy about the documents of complainant and he told that DGO has taken it. That he has received letter issued by Ravindra Kumar as per Ex.P17. That he has taken photos of the proceedings. That he has drawn trap mahazar as per Ex.P8 with

  
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respect to the above proceedings and has taken signature of PW2 and PW3 and accused Rangaswamy on it.

40. PW4 has further stated that he has taken attendance registrar extract of DGO and accused Rangaswamy from Ravindra Kumar as per Ex.P18 and has arrested Rangaswamy and produced him before the Court. That he has reported the seized articles to PF and has received service details of DGO as per Ex.P19. That he has received attendance register extract from Executive Officer showing that DGO was absent on the day of trap. PW4 further stated that he has taken information from Executive Officer about the steps taken under Indira Awaz Yojane. PW4 further deposed that on 19/01/2015 he has taken sample of the voice of Rangaswamy and sent it to Truth Laboratory along with his original voice and later on he has received report from Truth Lab. PW4 further deposed that on 27/04/2015 he has received documents pertaining to the complainant from Advocate for DGO on the orders of Hon'ble High Court. PW4 further deposed that on 18/05/2015 DGO appeared before him taking anticipatory bail and he has arrested him and released him on bail. That he has taken explanation of DGO as per Ex.P20. PW4 further stated that on 26/09/2015 since he was transferred he has handed over the case for further investigation to Sri. Rangaswamy, Police Inspector. The said Rangaswamy, Police Inspector after receiving the case for investigation, has received the FSL report as per Ex.P21 and he has conducted further investigation and received CDR and SDR details of DGO and accused Rangaswamy as per Ex.P22 and after

  
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completion of investigation Rangaswamy, Police Inspector has filed charge sheet against the DGO & the accused after obtaining sanction from the competent authority. PW4 further stated that he has taken photographs of pre-trap and trap mahazar as per Ex.P23 and has taken statements and further statements of witnesses. Further PW4 deposed that accused Rangaswamy has given explanation that DGO has instructed him to receive money from the complainant so he has received it and he has identified the DGO.

41. The DGO in order to prove his defence has examined himself as DW1 and has filed his affidavit in lieu of his chief examination and reiterated the written statement averments. DW1 has further deposed in his evidence that neither there is any demand nor there is any recovery of amount from him. Admittedly there is no recovery of the amount from him, much less there is no demand, hence he is liable to be exonerated from the charges. DW1 further deposed that from the records it is evident that on the basis of the false complaint dated 26/12/2014 the Lokayukta Police have registered FIR in Crime No.34/2014 and thereafter prepared preparation mahazar to trap him for the purpose of collecting evidence on 27/12/2014 at about 11.40 a.m. and subsequently on 29/12/2014 made an attempt to trap but failed in its attempt. That again on 08/01/2014 made an attempt to trap but failed in its attempt. That again on 08/01/2015, the Lokayukta Police along with its trap team tried to conduct raid, but he has outrightly refused the bribe amount. The said facts

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clearly show that he had never demanded the bribe amount and he is honest servant of the government but he is falsely implicated in the case therefore the charges made against him are liable to be dropped.

42. DW1 further stated that according to the complainant the alleged incident took place on 24/12/2014, whereas as on 17/11/2014 he has completed his work of up loading GPS in respect of complainant's house. Therefore there was no occasion to demand bribe and has not committed any offence of moral turpitude. Further submitted that the complaint is filed as a weapon of vengeance for not heeding to illegal demands of complainant. DW1 further stated that pre-enquiry by using tape recorder which is opposed to law also does not reveal any categorical demand of bribe amount made by him to do any official work. Further the voice recorded during the pre-enquiry is also not identified as to whether it belongs to him.

43. The DGO has examined one Nagraj s/o Ganganayaka has DW2 and he has filed his affidavit in lieu of his chief examination wherein he has stated that he knows DGO who was PDO of Belaguli Gram Panchathi and he used to visit the said panchayathi for his personal work and to assist ignorant villagers to get their work done and he has not come across any allegation against the DGO about demanding bribe from anyone. That DGO has not demanded bribe from the complainant.

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44. From the evidence of PW1/complainant, PW2/panch witness, PW3/shadow witness and PW4/Investigating Officer it reveals that the complainant/PW1 filed complaint that there is demand of bribe of Rs 500/- by DGO who was working as PDO of Belagali Grama Panchayath for releasing amount of Rs.60,000/- in two instalments in the name of his mother and out of said Rs.500/-, the DGO had received Rs.300/- earlier and demanded balance bribe of Rs.200/-. Further their evidence reveals that PW2 has lodged complaint as per Ex.P1 and PW3/I.O. has registered the case and called PW2 and Sathish Kumar as panch witnesses and had conducted pre-trap mahazar as per Ex.P2.
45. Further their evidence reveals that on 29/12/2014 PW4/I.O. has conducted pre trap mahazar as per Exp3 and failure trap mahazar as per Exp4, again on 08/01/2015 PW4/I.O. has conducted pre trap mahazar as per Exp5 and failure trap mahazar as per Exp6, again on 14/01/2015 PW4/I.O. has conducted pre trap mahazar as per Exp7.
46. At this juncture it is pertinent to note the evidence of PW1/complainant in his chief examination wherein he has deposed:

  
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“ಅದೇ ದಿನ ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಳಿ ಅವರ ಕಛೇರಿಗೆ ಹೋಗಿ ಕೇಳಿದಾಗ ತಮಗೇನೂ ಹಣ ಬೇಡವೆಂತಲೂ ಮತ್ತು ವಿಷಯ ನಿರ್ವಾಹಕರಾದ ನಿರ್ಮಲ ರವರಿಗೆ ಕೊಡಬೇಕೆಂತಲೂ ಅವರ ಹೇಳಿದರು.”

47. PW1 in his cross examination by DGO counsel has deposed:

“ಹಣ ಕೊಡದ ಪಕ್ಷದಲ್ಲಿ ನಿರ್ಮಲ ರವರು ಯಾವುದೇ ಕೆಲಸಗಳನ್ನು ಮಾಡುತ್ತಿರಲಿಲ್ಲ.”

“ನಿರ್ಮಲ ರವರಿಗೆ ಹೇಳಿ ನನ್ನ ಕೆಲಸ ಮಾಡಿಸಿಕೊಡಿ ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ನಾನು ಕೇಳಿಕೊಂಡಿದ್ದೆನು. ನನ್ನ ಕೆಲಸ ಮಾಡಿಕೊಡಲು ಹಣ ಕೊಡಬೇಕೆಂದು ನನ್ನನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೇಳಿಲ್ಲ. 23/12/2014 ರಂದು ನಾನು ಮೊದಲ ಬಾರಿಗೆ ಫಿರ್ಯಾದು ಕೊಡಲೆಂದು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹೋದೆನು. ಅಂದು ತನಿಖಾಧಿಕಾರಿಯವರು ಇಲ್ಲದ ಕಾರಣ 26/12/2014 ರಂದು ಬರುವಂತೆ ಅಲ್ಲಿದ್ದ ಸಿಬ್ಬಂದಿಗಳು ಹೇಳಿದರು. ನಿರ್ಮಲ ಮತ್ತು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ರವರು ಹಣ ಕೇಳುತ್ತಿದ್ದಾರೆಂದು ನಾನು 23/12/2014 ರಂದು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಸಿಬ್ಬಂದಿಗಳ ಮುಂದೆ ಹೇಳಿದ್ದೆನು. 27/12/2014 ರಂದು ಮೊದಲ ಬಾರಿಗೆ ತನಿಖಾಧಿಕಾರಿಯಾದ ಎಂ.ಆರ್.ಗೌತಮ್ ರವರು ನನಗೆ ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ಕೊಟ್ಟರು. ಲಿಖಿತ ಫಿರ್ಯಾದನ್ನು ಕೊಟ್ಟ ನಂತರ ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ನನಗೆ ಕೊಡಲಾಯಿತು. 26/12/2014 ರಂದು ನಾನು ಲಿಖಿತ ಫಿರ್ಯಾದನ್ನು ಕೊಟ್ಟೆನು. ನಿರ್ಮಲ ರವರು ಗುತ್ತಿಗೆ ಆಧಾರದಲ್ಲಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದ ಕಾರಣ ಅವರ ವಿರುದ್ಧ ಫಿರ್ಯಾದು ಕೊಟ್ಟರೆ ಫಲಪ್ರದವಾಗುವುದಿಲ್ಲ

ಎಂಬುದಾಗಿ ಅರಿತು ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಫಿರಿಯಾದನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂಬುದು ನಿಜ.”

“ 14/01/2015 ರಂದು ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಅವರ ಕಛೇರಿಯ ಬಳಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ಹಣ ಕೊಡುವಂತೆ ನನ್ನನ್ನು ಅವರು ಕೇಳಿಲ್ಲ. ರಂಗಸ್ವಾಮಿ ರವರಿಗೆ ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕಛೇರಿಯ ಬಳಿಯಲ್ಲಿ ರೂ. 100/- ಮುಖಬೆಲೆಯ 2 ನೋಟುಗಳನ್ನು ಕೊಟ್ಟೆನು. ನಿರ್ಮಲ ರವರಿಗೆ ನೋಟುಗಳನ್ನು ಕೊಟ್ಟು ನನ್ನ ಕೆಲಸ ಮಾಡಿಕೊಡುವಂತೆ ನಾನು ರಂಗಸ್ವಾಮಿ ರವರಿಗೆ ಹೇಳಿದೆನು. ನಿರ್ಮಲ ರವರಿಗೆ ಕೊಡುವ ಸಲುವಾಗಿ ಹಣವನ್ನು ತಾವು ಪಡೆದುಕೊಂಡಿರುವುದಾಗಿ ರಂಗಸ್ವಾಮಿ ರವರು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಲಿಖಿತ ರೂಪದಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ನಿರ್ಮಲ ಮತ್ತು ರಂಗಸ್ವಾಮಿ ರವರು ಈ ಮೊದಲೇ ನನ್ನ ತಾಯಿಯಿಂದ ರೂ. 300/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದರು. ನನ್ನ ತಾಯಿಯಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹಣ ಕೇಳಿಲ್ಲ ಮತ್ತು ಪಡೆದುಕೊಂಡಿಲ್ಲ.”

“ನಿರ್ಮಲ ರವರಿಗೆ ಹೇಳಿ ಕೆಲಸ ಮಾಡಿಸಿಕೊಡುವಂತೆ ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಹೇಳಿದಾಗ ಅವರು ನನಗೆ ಬೈದಿದ್ದರು. ನನ್ನಿಂದ ಎಂದೂ ಸಹ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹಣ ಕೇಳಿಲ್ಲ.”

From the evidence of PW-1 it reveals that in his chief examination he has stated that DGO has told that he does not require any amount and case worker Nirmala is asking for the money. Further, PW-1 in his cross-examination has stated that



Nirmala would not do the work if money was not given to her. Further, he has stated that he had requested DGO to get the work done by telling to Nirmala. Further he has stated that DGO has not demanded any money from him to do his work. Further he has admitted in his cross-examination that since Nirmala was working on contract basis if complaint is given on her it will not be fruitful and so, he has lodged complaint against the DGO.

48. PW-1 in his cross-examination has further stated that when he went near Gubehalli, DGO was going with bill collector Rangaswamy then also DGO has not demanded any money from him. That he has called Rangaswamy to know when DGO will return.

49. PW-1 in his cross-examination has further stated that DGO has not demanded money on 14/01/2015 when he met him in his office and he has also stated that he has given 2 notes of Rs. 100/- denomination to Rangaswamy and has gone to the extent of saying that he himself has stated to Rangaswamy to give those notes to Nirmala and get his work done. Further he has stated that Rangaswamy has given written explanation to I.O. that he has received the amount to give it to Nirmala. Further he has deposed that Nirmala and Rangaswamy have already received Rs. 300/- from his mother and DGO has not

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demanded and received any amount from his mother. Further he has stated that when he asked DGO to get the work done by giving money to Nirmala he has scolded him and further he has stated that DGO has never demanded money from him at any point of time.

50. PW-1 has unequivocally deposed that DGO has not demanded any bribe from him and he has not received any bribe through Rangaswamy, bill collector. Further he has gone to the extent of stating that when he himself offered to pay money to give it to Nirmala, case worker working on contract basis, the DGO has scolded him. Further PW-1 has not deposed anything about recording conversation between himself and DGO.

51. Further PW2/ panch witness has deposed in his chief examination that:

“29/12/2014 ರಂದು ಕಾರ್ಯಾಚರಣೆ ಕಾಲದಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ನಾನು ನೋಡಿದ್ದೆ.”

52. PW2 in his cross examination stated that:

“ಕೆಲಸ ಮಾಡಿಸಿಕೊಡಲು ನಿರ್ಮಲ ರವರಿಗೆ ಕೊಡಲೆಂದು ಹಣ ಕೇಳಿರುವುದಾಗಿ ರಂಗಸ್ವಾಮಿ ರವರು ಹೇಳಿಕೆಯನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರ ಮುಂದೆ ಬರೆದು ಕೊಟ್ಟರು. ನನ್ನ ಸಮಕ್ಷಮ ಆಪಾದಿತ





ಸರ್ಕಾರಿ ನೌಕರರು ಫಿರ್ಯಾದಿಯಿಂದ ಹಣ ಕೇಳಿಲ್ಲ ಮತ್ತು ಪಡೆದುಕೊಂಡಿಲ್ಲ.”

53. PW-2, panch witness has deposed in his chief-examination that he has not seen the DGO on 29/12/2014. Further PW-2 in his cross-examination deposed that Rangaswamy has given written explanation that he has received the amount from PW-1 to give it to Nirmala to get the work done. Further he has stated that DGO has not demanded or received money from complainant in his presence.

54. Further PW3/ shadow witness has deposed in his cross examination that:

“ It is true that as the motorcyclist was wearing full covered helmet, I could not see his face. I do not know the identity of the said motorcyclist. When we went to the other office of the DGO, the DGO who is now before this authority was not there.”

PW-3/shadow witness in his cross-examination has deposed that he cannot identify the motorcyclist as he was wearing helmet and DGO was not present in the office on the day of trap. Further PW-3 has not stated anything with respect to Rangaswamy having received the amount as per the instruction of DGO. Further, PW-



3 is not definite having heard or seen DGO calling Rangaswamy, bill collector and asking him to receive the amount. As such, there is no piece of evidence to show that Rangaswamy, bill collector received the amount as per the instruction of DGO and on his behalf.

55. From the evidence of PWs 1 to 4 it can be seen that money has been recovered from the possession of Rangaswamy, who according to the disciplinary authority is a bill collector working in the office of DGO. Further their evidence reveals the hand wash of said Rangaswamy turned to pink colour and he has given tainted notes received from PW1 by removing it from the pant pocket and the portion of the pant pocket where the tainted notes were kept was dipped in sodium carbonate solution also turned to pink colour and I.O has drawn trap mahazar in this regard as per Ex.P9. The evidence of PWs 1 to 4 reveals that amount was recovered from the possession of Rangaswamy. To connect the DGO to the recovered amount that the said Rangaswamy who was working as bill collector has received the amount on the instructions of DGO is concerned, no iota of evidence is placed by the disciplinary authority.

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56. DGO has taken defence that he has completed the work of complainant prior to lodging of the complaint and DW1 further stated that according to the complainant the alleged incident took place on 24/12/2014, whereas as on 17/11/2014 he has completed his work of up loading GPS in respect of complainant's house. Therefore there was no occasion to demand bribe. Further Exp17 is the letter dated 14/01/2015 given by Assistant Director Taluk Panchaythi Chikkenahalli to PW4/I.O. stating that the documents pertaining to PW1 has been sent for auditing 7 days back. This goes to show that the work of PW1 was attended and was sent for audit approval 7 days prior to 14/01/2015 i.e., date of trap. In this regard, the evidence of PW4/Investigating Officer is found very much importance to the DGO. During the course of cross-examination by the counsel for the DGO, PW4 has deposed that he has not done any investigation to show that there was no work pending before the DGO. Since the DGO had completed the work 7 days prior to 14/01/2015 and had send the record for auditing as per Exp17 which is much prior to trap on 14/01/2015 and as such, the complainant had no occasion to approach the DGO asking for any official favour. Even the intention behind the complainant approaching the DGO and the DGO making a demand for bribe is not proved by the disciplinary authority. So, a reasonable doubt will arise with regard to the very efforts made by the complainant in approaching the DGO requesting for official favour when the ...

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work is already completed and according to PW1 itself the DGO has refused to receive money from PW1 at any point of time.

57. Further it is in the evidence of PW4 that he received the voice recorder and played it and got it transcribed as per Ex.P8 and got voice recorder burnt to C.D. and seized the same. That he played the voice recorder before Ravindra Kumar, Executive Officer and he identified the voice of the DGO. It is pertinent to note the decision laid down in 2014 AIR SCW 5695 between Anvar P.V. Vs. P.K. Basheer and others, wherein at head note 'A' it is held as follows:

“(A) Evidence Act (1 of 1872), Ss.59, 65A, 65B, 63, 65 – Electronic records – Admissibility – Secondary evidence of electronic record – Inadmissible unless requirements of S. 65B are satisfied.”

58. So, mere production of voice recorder without proving the contents of the same in accordance with the provisions of Section 65B of Indian Evidence Act is not enough to prove the demand of bribe by the DGO. So, considering all these aspects, it is very much clear that the disciplinary authority has utterly failed to prove that the DGO being the PDO of Belagali Grama Panchayath demanded bribe of Rs.500/- for

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releasing amount of Rs.60,000/- in two instalments in the name of the mother of the complainant. Out of said Rs.500/-, the DGO had received Rs.300/- earlier and demanded balance bribe of Rs.200/-.The disciplinary authority has also failed to prove that the DGO has received the bribe of Rs.200/- through Rangaswamy the bill collector on demand to do an official favour to the complainant. Further PW1 & PW2 clearly deposed that DGO has not demanded any bribe from PW1 for the said work. Such being the case, the work of PW1/complainant was completed 7 days prior to trap and it was brought to the notice of PW1, then demand and acceptance of bribe for the said work will not arise. Further there is no clear, cogent and convincing evidence placed by the disciplinary authority to prove that DGO demanded bribe from PW1 for his work which was not at all pending before him.

59. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 4, Ex.P1 to P23, as reasoned above, does not prove that the DGO had demanded and accepted bribe of Rs.200/- from the complainant through one Rangaswamy, bill collector on 14/01/2015. The disciplinary authority has not proved the charges against this DGO. Accordingly, this point is answered in the **Negative**.

  
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60. **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 D.G.O.

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

  
(J.P. Archana)

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

### **ANNEXURES**

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

PW1:- Sri. Basavachar  
PW2:- Sri. Yedunandan T.A.  
PW3:- Sri. Sri. Ganganna  
PW4:- Sri. M.R. Gowtham

List of witnesses examined on behalf DGO:-

DW1:- Sri. Renukappa (DGO).

List of documents marked on behalf of Disciplinary Authority:-

  
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Ex P1	Xerox copy of the complainant dated 26/12/2014.
Ex P2	Xerox copy of pre trap mahazar dated 27/12/2014.
Ex P3	Xerox copy of mahazar dated 27/12/2014.
Ex P4	Xerox copy of pre trap mahazar dated 29/12/2014.
Ex.P5	Xerox copy of Panchanma dated 08/01/2015
Ex P6	Xerox copy of Panchanma dated 08/01/2015
Ex P7	Xerox copy of Panchanma dated 14/01/2015
Ex P8	Xerox copy of Panchanma dated 14/01/2015
Ex 9	Xerox copy of statement of Rangaswamy dated 14/01/2015.
Ex P10	Xerox copy of sketch in Cr.No.34/2014
Ex P11	Xerox copy of Panchanama dated 19/01/2015.
Ex P12	Xerox copy of FIR dated 34/2014.
Ex P13	Xerox copy of list of currency notes.
ExP14	Xerox copy letter dated 07/01/2015.
Ex P15	Xerox copy of letter dated 13/01/2015 addressed to Commissioner, UDD, Tumkuru.
Ex P16	Xerox copy of rough sketch in Cr.No.34/2014.
Ex P17	Xerox copy of letter dated 14/01/2015 of Asst. Director, Taluk Panchayath, Chikkanayakanahalli addressed to PI,KLA, Tumkuru.
Ex P18	Xerox copy of attendance register extracts of DGO and Rangaswamy.
Ex P19	Xerox copy of service details of DGO.
Ex P20	Xerox copy of written statement of DGO dated 18/05/2015.
Ex P21	Xerox copy of Chemical Examiner's report dated 10/02/2015.
Ex P22	Xerox copy of call details in 22 sheets.
Ex P23	Xerox copies of photographs 15 sheets

List of documents marked on behalf of Defence:-.



Ex D1	Xerox copy evidence of Sri. Ganganna in Spl.Case No.107/2010.
Ex D2	Xerox copy of Judgment in in Spl.Case No.107/2010.
Ex.D3	Certified copy of Judgment in in Spl.Case No.107/2010.

  
(J.P.Archana)

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