

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-1/ಡಿ.ಇ/864/2017/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 17ನೇ ಆಗಸ್ಟ್ 2023.

-:: ಶಿಫಾರಸ್ಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ. ಟಿ. ಯತೀಶ್ ಕುಮಾರ್,
ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಅಂಜನಾಪುರ ವೃತ್ತ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು
ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1)ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಕಂಇ 41 ಬಿಡಿಪಿ 2017,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20/06/2017.
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ
ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-2/ಡಿಇ/
864/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10/07/2017.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ
ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ
ದಿನಾಂಕ: 14/08/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 20/06/2017 ರಂತೆ ಶ್ರೀ. ಟಿ. ಯತೀಶ್ ಕುಮಾರ್,
ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಅಂಜನಾಪುರ ವೃತ್ತ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು (ಇನ್ನು
ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು
ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ,
ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

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2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/864/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10/07/2017ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಟಿ. ಯತೀಶ್ ಕುಮಾರ್, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಅಂಜನಾಪುರ ವೃತ್ತ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ಅನುಬಂಧ-1 ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಟಿ. ಯತೀಶ್ ಕುಮಾರ್ ಆದ ನೀವು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕಿನ ಬನಶಂಕರಿಯ ಅಂಜನಪುರ ವೃತ್ತದಲ್ಲಿ ಗ್ರಾಮ ಲೆಕ್ಕಿಗರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಾದ ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕಿನ ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿಯ ಗೊಲ್ಲಹಳ್ಳಿ ಗ್ರಾಮ ಹಳೆ ಸರ್ವೆ ನಂ.30/20 ಮತ್ತು ಹಾಲಿ ಸರ್ವೆ ನಂ.80ರಲ್ಲಿನ ಒಟ್ಟು 2-00 ಎಕರೆ ಜಮೀನನ್ನು ರೂ.1-00 ಕೋಟಿಗೆ ಖರೀದಿಸುವ ಸಲುವಾಗಿ ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಸೇರಿದ ಭೋವಿ ಜನಾಂಗದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ಮತ್ತು ಕುಟುಂಬದವರೊಂದಿಗೆ ಕರಾರು ಪತ್ರ ಮಾಡಿಕೊಂಡಿದ್ದು ಜಮೀನಿನ ಮಾಲೀಕರ ಪರವಾಗಿ ಕುಟುಂಬದವರಿಂದ ಅಧಿಕಾರವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ರವರು ದಿನಾಂಕ 9-10-2014ರಂದು ಮನವಿ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು ದಿನಾಂಕ 9-07-2015ರಂದು ಜಮೀನಿನ ಮಾಲೀಕರು ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾದಾಗ ನೀವು ಮುನಿಯಪ್ಪ ಎಂಬ ಹೆಸರಿನ ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಭೇಟಿ ಮಾಡಲು ತಿಳಿಸಿದ್ದು ಸದರಿ ಗ್ರಾಮ ಸಹಾಯಕರು ರೂ.2-00 ಲಕ್ಷಗಳ ಬೇಡಿಕೆ ಇಟ್ಟು ಅಂತಿಮವಾಗಿ ರೂ.80,000/-ಗಳನ್ನು ಕೊಡಬೇಕೆಂದಿದ್ದು ದಿನಾಂಕ 17-7-2015ರಂದು ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಫಿರ್ಯಾದಿದಾರರು ಭೇಟಿ ಮಾಡಿ ರೂ.80,000/-ಗಳನ್ನು ಕಡಿಮೆ ಮಾಡಿಕೊಳ್ಳಲು ವಿನಂತಿಸಿಕೊಂಡಾಗ ಗ್ರಾಮ ಸಹಾಯಕರು ರೂ.80,000/-ಕ್ಕಿಂತ ಕಡಿಮೆ ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದು, ದಿನಾಂಕ 21-07-2015ರಂದು ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ

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ಮದ್ಯಾಹ್ನ 12-00 ಗಂಟೆಯಿಂದ 12-10 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನೀವು ಫಿರ್ಯಾದಿಯಾದ ಎನ್. ನಾರಾಯಣಸ್ವಾಮಿ ರವರಿಂದ ರೂ.80,000/-ಗಳನ್ನು ಕಾನೂನುಬಾಹಿರವಾಗಿ ಕೇಳಿ ಸದರಿ ಹಣವನ್ನು ವೆಂಕಟಾಚಲ ಇವರಿಗೆ ಕೊಡುವಂತೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಮತ್ತು ಗ್ರಾಮ ಸಹಾಯಕರು ತಿಳಿಸಿದ ಮೇರೆಗೆ ಫಿರ್ಯಾದಿಯಾದ ಎನ್. ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ರೂ.80,000/- ಲಂಚದ ಹಣವನ್ನು ವೆಂಕಟಾಚಲ ರವರಿಗೆ ನೀಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ನಗರ ಆರಕ್ಷಕ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ರೂ.80,000/-ಗಳ ಬಗ್ಗೆ ಯುಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ನೀವು ವಿಫಲರಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ 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. ಟಿ. ಯತೀಶ್ ಕುಮಾರ್, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಅಂಜನಾಪುರ ವೃತ್ತ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-3 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-23 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸ್ವತಃ ತಾವೆ ಸಾಕ್ಷಿಯಾಗಿ ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಎಂದು ಇನ್ನೊಬ್ಬ ಸಾಕ್ಷಿ ಡಿ.ಡಬ್ಲ್ಯೂ-2 ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ

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ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಟಿ. ಯತೀಶ್ ಕುಮಾರ್, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಅಂಜನಾಪುರ ವೃತ್ತ, ಬನಶಂಕರಿ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.
ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

17/11/20

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಂಶೇಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-1,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.

KARNATAKA LOKAYUKTA

NO. UPLOK-1/DE/864/2017/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 14/08/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against
Sri. T.Yathishkumar, Village Accountant,
Anjanapura Circle, Banashankari, Bengaluru
South Taluk -reg.

Ref: 1. Report under section 12(3) of the KLA Act.
1984 in No.Compt/Uplok/BCD/405/
2017/DRE-2, dated:18/04/2017.

2. Order No. ಕಂಇ 41 ಬಿಡಿಪಿ 2017, ಬೆಂಗಳೂರು,
ದಿ:20/06/2017.

3. Nomination Order No. UPLOK-
1/DE/864/2017, Bengaluru, dated
10/07/2017.

1. The Departmental Enquiry is initiated against Sri. T.Yathishkumar, Village Accountant, Anjanapura Circle, Banashankari, Bengaluru South Taluk (hereinafter referred to as the Delinquent Government Officials, in short DGO) on the basis of the complaint dated 21/07/2015. The allegation in the complaint is that Sri. T.Yathishkumar while working as Village Accountant of Anjanapura Circle at Bengaluru South Taluk in the year 2015, the



complainant had entered with the agreement of sale of land measuring 2 acres in survey No.80 of Gollahalli Village, Uttarahalli Hobli, Bengaluru South Taluk from land owner Sri. Gurumurthy saying that he is entered in to the agreement with the owner of the land to purchase the same property for consideration of Rupees one crore and he paid the advance of Rs.10,00,000/- and registered the deed. The said land was granted land and the owner of the land belongs to the Bhovi caste, recognized under the Schedule Caste, before transferring of such land permission from the government is required. The complainant has obtained the power of attorney from the family members of the Sri Gurumurthy on 28/06/2014 for applying permission from the government and he has filed the application on 09/10/2014 before the Deputy Commissioner of Bengaluru Urban District. The complainant met DGO on 09/07/2015 and at that time DGO demanded the bribe amount to complete his work and DGO sent him to one Muniyappa, Village Assistant to negotiate the amount and when he discussed the same with him he made a demand of Rs.80,000/- and the same is recorded by complainant in his mobile. Later on 17/07/2015 complainant met DGO in his office to confirm the same discussion which was done with Muniyappa, Village Assistant and DGO also asked to pay Rs.80,000/- to do official favour and the same conversation was recorded by complainant in his mobile.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Bengaluru City Division lodged

14/8

complaint before Police Inspector, Karnataka Lokayukta Police Station, Bengaluru City Division (hereinafter referred to as "Investigating Officer". On the said complaint Investigating Officer registered case in Cr.No.57/2015 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 21/07/2015 DGO was caught red handed while demanding and accepting illegal gratification of Rs.80,000/- from the complainant in the office premises of DGO through Muniyappa and Venkatachala and the said amount was seized from Venkatachala under mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Bengaluru City Division. That DGO, Muniyappa and Venkatachala have failed to give satisfactory or convincing explanation in this regard, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, and other documents, found prima facie case and forwarded report dated 18/04/2017 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


14/8

(CC& A) Rules 1957. The Competent Authority by order dated 20/06/2017 entrusted the matter to the Hon'ble Upalokayukta.

5. The Hon'ble Upalokayukta by order dated 10/07/2017, 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 ನೌಕರರಾದ ಟಿ. ಯತೀಶ್ ಕುಮಾರ್ ಆದ ನೀವು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕಿನ ಬನಶಂಕರಿಯ ಅಂಜನಪುರ ವೃತ್ತದಲ್ಲಿ ಗ್ರಾಮ ಲೆಕ್ಕಿಗಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಾದ ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕಿನ ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿಯ ಗೊಲ್ಲಹಳ್ಳಿ ಗ್ರಾಮ ಹಳೆ ಸರ್ವೆ ನಂ.30/20 ಮತ್ತು ಹಾಲಿ ಸರ್ವೆ ನಂ.80ರಲ್ಲಿನ ಒಟ್ಟು 2-00 ಎಕರೆ ಜಮೀನನ್ನು ರೂ.1-00 ಕೋಟಿಗೆ ಖರೀದಿಸುವ ಸಲುವಾಗಿ ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಸೇರಿದ ಭೋವಿ ಜನಾಂಗದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ಮತ್ತು ಕುಟುಂಬದವರೊಂದಿಗೆ ಕರಾರು ಪತ್ರ ಮಾಡಿಕೊಂಡಿದ್ದು ಜಮೀನಿನ ಮಾಲೀಕರ ಪರವಾಗಿ ಕುಟುಂಬದವರಿಂದ ಅಧಿಕಾರವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ರವರು ದಿನಾಂಕ 9-10-2014ರಂದು ಮನವಿ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು ದಿನಾಂಕ 9-07-2015ರಂದು ಜಮೀನಿನ ಮಾಲೀಕರು ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾದಾಗ ನೀವು ಮುನಿಯಪ್ಪ ಎಂಬ ಹೆಸರಿನ ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಭೇಟಿ ಮಾಡಲು ತಿಳಿಸಿದ್ದು ಸದರಿ ಗ್ರಾಮ ಸಹಾಯಕರು ರೂ.2-00 ಲಕ್ಷಗಳ ಬೇಡಿಕೆ ಇಟ್ಟು ಅಂತಿಮವಾಗಿ ರೂ.80,000/-ಗಳನ್ನು ಕೊಡಬೇಕೆಂದಿದ್ದು ದಿನಾಂಕ 17-7-2015ರಂದು ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಫಿರ್ಯಾದಿದಾರರು ಭೇಟಿ ಮಾಡಿ ರೂ.80,000/-ಗಳನ್ನು ಕಡಿಮೆ ಮಾಡಿಕೊಳ್ಳಲು ವಿನಂತಿಸಿಕೊಂಡಾಗ ಗ್ರಾಮ


14/8

ಸಹಾಯಕರು ರೂ.80,000/-ಕ್ಕಿಂತ ಕಡಿಮೆ ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದು, ದಿನಾಂಕ 21-07-2015ರಂದು ನೀವು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಮದ್ಯಾಹ್ನ 12-00 ಗಂಟೆಯಿಂದ 12-10 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನೀವು ಫಿರ್ಯಾದಿಯಾದ ಎನ್. ನಾರಾಯಣಸ್ವಾಮಿ ರವರಿಂದ ರೂ.80,000/-ಗಳನ್ನು ಕಾನೂನುಬಾಹಿರವಾಗಿ ಕೇಳಿ ಸದರಿ ಹಣವನ್ನು ವೆಂಕಟಾಚಲ ಇವರಿಗೆ ಕೊಡುವಂತೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಮತ್ತು ಗ್ರಾಮ ಸಹಾಯಕರು ತಿಳಿಸಿದ ಮೇರೆಗೆ ಫಿರ್ಯಾದಿಯಾದ ಎನ್. ನಾರಾಯಣಸ್ವಾಮಿ ರವರು ರೂ.80,000/- ಲಂಚದ ಹಣವನ್ನು ವೆಂಕಟಾಚಲ ರವರಿಗೆ ನೀಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ನಗರ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ರೂ.80,000/-ಗಳ ಬಗ್ಗೆ ಯುಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ನೀವು ವಿಫಲವಾಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ 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:-

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

- 1) ದೂರುದಾರರು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕಿನ ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿಯ ಗೊಲ್ಲಹಳ್ಳಿ ಗ್ರಾಮ ಹಳೆ ಸರ್ವೆ ನಂ.30/20 ಮತ್ತು ಹಾಲಿ ಸರ್ವೆ ನಂ.80ರಲ್ಲಿನ ಒಟ್ಟು 2-00 ಎಕರೆ ಜಮೀನನ್ನು ರೂ.1-00 ಕೋಟಿಗೆ ಖರೀದಿಸುವ ಸಲುವಾಗಿ ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಪರಿಶಿಷ್ಟ ಜಾತಿಗೆ ಸೇರಿದ ಭೋವಿ ಜನಾಂಗದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ಮತ್ತು ಕುಟುಂಬದವರೊಂದಿಗೆ ಕರಾರು ಪತ್ರ ಮಾಡಿಕೊಂಡಿದ್ದು ಜಮೀನಿನ ಮಾಲೀಕರ ಪರವಾಗಿ ಕುಟುಂಬದವರಿಂದ ಅಧಿಕಾರವನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ಶ್ರೀ ಗುರುಮೂರ್ತಿ ರವರು ದಿನಾಂಕ 9-10-2014ರಂದು ಮನವಿ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ದಿನಾಂಕ 9-07-2015ರಂದು ಜಮೀನಿನ


14/8

ಮಾಲೀಕರು ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾದಾಗ ನೀವು ಮುನಿಯಪ್ಪ ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಭೇಟಿ ಮಾಡಲು ತಿಳಿಸಿದ್ದು ಸದರಿ ಗ್ರಾಮ ಸಹಾಯಕರು ರೂ.2-00 ಲಕ್ಷಗಳ ಬೇಡಿಕೆ ಇಟ್ಟು ಅಂತಿಮವಾಗಿ ರೂ.80,000/-ಗಳನ್ನು ಕೊಡಬೇಕೆಂದಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡಿದ್ದು ದಿನಾಂಕ 17-7-2015ರಂದು ಗ್ರಾಮ ಸಹಾಯಕರನ್ನು ಭೇಟಿ ಮಾಡಿ ರೂ.80,000/-ಗಳನ್ನು ಕಡಿಮೆ ಮಾಡಿಕೊಳ್ಳಲು ವಿನಂತಿಸಿಕೊಂಡಾಗ ಗ್ರಾಮ ಸಹಾಯಕರು ರೂ.80,000/-ಕ್ಕಿಂತ ಕಡಿಮೆ ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದು, ಗುರುಮೂರ್ತಿಯವರು ತಮ್ಮ ಮೊಬೈಲ್‌ನಲ್ಲಿ ರೆಕಾರ್ಡ್ ಮಾಡಿಕೊಂಡಿರುವುದನ್ನು ಫಿರ್ಯಾದಿದಾರರಿಗೆ ನೀಡಿದ್ದು, ಫಿರ್ಯಾದಿದಾರರು ಲಂಚ ಕೊಟ್ಟ ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಬೆಂಗಳೂರು ನಗರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

- 2) ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಬೆಂಗಳೂರು ನಗರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.57/15 ಕಲಂ 7, 13(1) (ಡಿ) ಸಹ ಕಲಂ 13(2) ರಂತೆ ಪ್ರಕರಣವನ್ನು ನೋಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
- 3) ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಸಾವಿರ ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 80 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಆಪಾದಿತರನ್ನು ಟ್ರಾಫ್ ಮಾಡಲು ಮಧ್ಯಾಹ್ನ 11-00 ಗಂಟೆಗೆ ಕಛೇರಿಯನ್ನು ಬಿಟ್ಟಿರುತ್ತಾರೆ.
- 4) ದೂರುದಾರರು ಆಪಾದಿತರನ್ನು ಸದರಿಯವರ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿ ಕೆಲಸದ ವಿಚಾರಿಸಿದಾಗ ಆಪಾದಿತರು ಹಣವನ್ನು ವೆಂಕಟಾಚಲ ಎಂಬ ವ್ಯಕ್ತಿಗೆ ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು, ಅದರಂತೆ ಲಂಚ ಹಣ ರೂ.80,000/-ಗಳನ್ನು ಫಿರ್ಯಾದಿದಾರರಿಂದ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಮಧ್ಯಾಹ್ನ 12-00 ಗಂಟೆಯಿಂದ 12-10ರ ಅವಧಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ

14/8

ನೌಕರರ ಮತ್ತು ಗ್ರಾಮ ಸಹಾಯಕರ ಪರವಾಗಿ ವೆಂಕಟಾಚಲ ರವರು ಪಡೆದಿರುತ್ತಾರೆ. ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ಆಪಾದಿತರ ಹೇಳಿಕೆಯನ್ನು ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೇಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

5) ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ಆಪಾದಿತರು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:21-07-2015ರಂದು ರೂ.80,000/- ಲಂಚದ ಹಣವನ್ನು ನಿಮ್ಮ ಸೂಚನೆಯ ಮೇರೆಗೆ ವೆಂಕಟಾಚಲ ಫಿಂಬ ವ್ಯಕ್ತಿಯು ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು, ನೀವು ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

6) ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಆಪಾದಿತರಿಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ಆಪಾದಿತರು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ತಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.

14/8

8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before the ARE-11 on 07/10/2017 and engaged advocate for defence on 26/07/2019. In the course of first oral statement of the DGO recorded on 07/10/2017 he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 28/02/2043.**

9. The DGO has not filed his written statement.

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

1. Whether the disciplinary authority proves that the DGO while working as Village Accountant of Anjanapura Circle at Bengaluru South Taluk in the year 2015, the complainant had entered with the agreement of sale of land measuring 2 acres in survey No.80 of Gollahalli Village, Uttarahalli Hobli, Bengaluru South Taluk from land owner Sri. Gurumurthy saying that he has entered in to the agreement with the owner of the land to purchase the same property for consideration of Rupees one crore and he paid the advance of Rs.10,00,000/- and registered the deed. The said land was granted land and the owner of the land belongs to the Bhovi caste, recognized under the

D
14/8

Schedule Caste, before transferring of such land permission from the government is required. The complainant has obtained the power of attorney from the family members of the Sri Gurusurthy on 28/06/2014 for applying permission from the government and he has filed the application on 09/10/2014 before the Deputy Commissioner of Bengaluru Urban District. The complainant met DGO on 09/07/2015 and at that time DGO demanded the bribe amount to complete his work and DGO sent him to one Muniyappa, Village Assistant to negotiate the amount and when he discussed the same with him he made a demand of Rs.80,000/- and later on 17/07/2015 complainant met DGO in his office to confirm the same discussion which was done with Muniyappa, Village Assistant and DGO also asked to pay Rs.80,000/- to do official favour and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Bengaluru City Division, who registered case in Cr.No.57/2015 and took up investigation and on 21/07/2015 when complainant came to the office of DGO, DGO was caught red handed while demanding and accepting illegal gratification of Rs.80,000/- from the complainant in the office

②
14/8

premises of DGO through Muniyappa and Venkatachala and the DGO, Muniyappa and Venkatachala have failed to give satisfactory or convincing explanation in this regard, when questioned by the said I.O. and by this the DGO has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. What findings?

11. (a) The disciplinary authority has examined Sri.C.M.Chowdappa/ Panch Witness as PW-1, Sri.Veerabhadraiah/ Shadow Witness as PW-2, and Sri.K.Ravishankar/Investigating Officer as PW-3 and got exhibited Ex.P-1 to 23 on it's behalf.
- (b) The DGO has examined himself as DW-1 and one Sri.Gurumurthy as DW-2, but has not got exhibited any documents.
- (c) Since DGO has adduced evidence by examining himself incriminating circumstances which appeared against him in the evidence of PWs 1 to 3 are not put to him by way of questionnaire and the same is dispensed.


14/8

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

REASONS

14. **Point No.1:-** (a) PW-1/Panch Witness Sri.C.M.Chowdappa has deposed in his evidence that, on 20/07/2015 at 3.35 p.m. he and another panch witness C.S.Veerabhadraiah went to lokayukta police station Bengaluru City Division and complainant was present there. That the complainant produced 80 notes of Rs.1,000/- denomination to the I.O. and I.O. got the numbers of the notes noted in a sheet through computer as per Ex.P-1. That he came to know that complainant had filed complaint that DGO has demanded bribe for change of khata of the land belonging to complainant. That I.O. got smeared phenolphthalein powder on the notes. That I.O. played one CD and made them hear the recordings and got it transcribed as per Ex.P-2 and 3. That he kept Rs.80,000/- tainted notes in the front side pant pocket of the complainant and later on the I.O. got his hands washed in sodium carbonate solution and the solution turned to pink colour and I.O. has seized the sample of the solution. PW-1 further deposed that I.O. instructed complainant to give the tainted notes only on demand and after acceptance to give signal. That I.O. instructed

D
14/8

C.S.Veerabhadraiah to accompany complainant and act as shadow witness and watch what transpires between the complainant and DGO. That I.O. as drawn pre-trap mahazar as per Ex.P-4. That all of them left lokayukta police station reached Nada Kacheri, Zilla Panchayath at Banashanakari Bengaluru. That since DGO was not there they all returned to lokayukta police station and complainant returned the tainted notes to I.O. That I.O. has drawn mahazar in this regard as per Ex.P-5.

PW-1 further deposed that, on 21/07/2015 he and C.S.Veerabhadraiah went to Lokayukta Police Station Bengaluru City Division at 11.00 a.m. That I.O. gave the tainted notes to him and got it kept in the right side pant pocket of the complainant. That later on all of them left the lokayukta police station and went to Zilla Panchayath office situated at Banashankari Bengaluru to the office of Nada Kacheri and reached there at 11.30 a.m. That complainant and shadow witness C.S.Veerabhadraiah went inside the office and after some time complainant came out and wiped his head with his right hand and gave signal. Later on he and I.O. and his staff went inside the office. That one Muniyappa, Venkatachala and DGO were inside the office. That complainant told that as per the instructions of DGO he has given amount to Muniyappa and when he went to give the amount to Muniyappa he told to give it to Venkatachala and as per his instruction he has given the amount to Venkatachala and the said Venkatachala received the amount under the Honge tree and kept it inside a bag. PW-1 further deposed that I.O. got prepared sodium carbonate solution in two

14/8

bowls separately and got both hand of Venkatachala washed in the bowls separately. The right hand wash turned to pink colour and left hand wash did not change colour. That the I.O. has seized the solution. That in the bag which was with Venkatachala there were documents and tainted notes and the I.O. has seized them. PW-1 further deposed that, the I.O. brought all of them to the Lokayukta Police Station, Bengaluru City Division and on enquiry to Venkatachala, Muniyappa and DGO they have given explanation as per Ex.P 6 to 8 respectively. The I.O. received the voice recorder from the complainant and played it and it contained conversation touching the bribe and I.O. got it transcribed as per Ex.P-9 and got it burnt to CD. That I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-10.

15. (a) PW-2/Shadow Witness, Sri.C.S.Veerabhadraiah has deposed in his evidence that, on 20/07/2015 he and PW-1 went to lokayukta police station in Bengaluru at about 3:00 p.m. The complainant, Sri.Narayanswamy was there. The Deputy Superintendent of Police, Sri.Ravishankar briefed them about the complaint. The I.O. asked both of them to act as shadow witness, and they agreed for the same. That the I.O. asked them to come the next day at 10:15 a.m.

PW-2 further deposed that, at 10:15 a.m, on 21/07/2015, he went to the Lokayukta police station and at that time, PW-1 and complainant were also there. The complainant gave 80 notes of Rs.1,000/- each to the police to lay the trap. The complaint was against the DGO, Yathish Kumar, working as Village Accountant in Bhanashankari Nada Kacheri. The complaint was that the DGO


14/8

was demanding bribe of Rs.2 lakhs for changing khatha, and had agreed to do the work for Rs.80,000/-. PW-2 further deposed that, the police applied phenolphthalein powder to both sides of all the currency notes. The police noted the numbers of the currency notes as per Ex.P-1. The said amount was got kept into the right side pant pocket of complainant through PW-1. The police got the hands of PW-1 washed in sodium carbonate solution. The right hand wash of PW-1 turned to pink colour and left hand wash did not change colour. The police gave instructions to them. The police videographed the proceedings. The I.O. drew panchanama as per Ex.P-4. The I.O. had also played the voice recorder and transcribed the conversation recorded prior to lodging complaint. That the I.O. instructed him to act as shadow witness by following complainant and to note the happenings and also instructed the complainant to give the amount only on demand by DGO, and after acceptance to give signal by calling the Police Inspector, Ravishankar through phone.

PW-2 further deposed that, all of them left to the Banashankari Nada Kacheri reached there at about 3:00 p.m on 20/07/2015. The DGO was not there, and the complainant and he returned and told the same to the police. They returned to the police station. The amount was kept in the almirah and the police drew return panchanama as per Ex.P-5. The police asked them to come on 21/07/2015 at 10:15 a.m. That he went on the said date. The complainant and PW-1 had also come there. The police repeated the pre-trap proceedings.

14/8

PW-2 further deposed that, at 11:00 a.m on 21/07/2015, all of them left the police station and reached the DGO's office at 11:55 a.m. The Police Inspector, Ravishankar repeated the instructions given to him and complainant. The complainant was given voice recorder. The complainant spoke to DGO and Muniyappa, working as Village Assistant, about the work. The DGO and Muniyappa asked complainant to pay the amount to one Venkatachala, working as agent there. The complainant and Venkatachala came outside, and went to Zilla Panchayath office premises near a tree, half furlong far from DGO's office. The complainant removed the tainted amount of Rs. 80,000/- from his right side pant pocket and gave to Venkatachala. That said Venkatachala received the amount with his right hand and kept in his bag which was hanging on his shoulder. The complainant gave signal by wiping head with his hand.

PW-2 further deposed that, I.O. came there and brought Venkatachala to the DGO's office. The complainant showed the DGO to the police and told the police about giving the money to Venkatachala on the say of DGO. The police washed both the hands of Venkatachala separately in sodium carbonate solution. The right hand wash of Venkatachala changed to pink colour and left hand wash did not change any colour. That the I.O. asked about the money to Venkatachala and Venkatachala told that it is in his bag. The police got the same removed through him. The said notes were tallied with the list of currency notes, and were

14/8

found tallying. The police seized the said amount and the bag of Venkatachala. There were official documents in the bag, and looking into the documents, the police came to know that the said Venkatachala is working in the said office as agent.

PW-2 further deposed that, the police seized the documents pertaining to complainant from DGO. The police took explanations from DGO, Venkatachala and Muniyappa as per Ex.P-6 to 8 respectively. The DGO and Muniyappa gave explanation that they have not asked Venkatachala to accept any amount and Venkatachala gave explanation that he received the said amount on the say of DGO.

PW-2 further deposed that, all of them returned to the police station. Deputy Tahasildar, Sri.Shivananjappa was called to the police station. The voice recorder was played and said Shivananjappa identified the voice of DGO. The explanation of DGO and Muniyappa was false and the explanation of Venkatachala was true. The police transcribed the conversation recorded in voice recorder and burnt to CD. The police drew panchanama as per Ex.P-10.

16. (a) PW-3/Investigating Officer, Sri.K.Ravishankar has deposed in his evidence that, he has worked as Deputy Superintendent of police in Karnataka Lokayukta, Bengaluru City Division, Bengaluru from 21/06/2015 to 05/06/2017. On 20/07/2015, at 11:30 a.m. complainant/CW-1 came to his police station, and told that he wanted to purchase the granted land bearing survey no. 80

14/8

situated in Gollahalli Grama, Uttharahalli Hobli belonging to one Gurumurthy and his family and required permission for the sale. So, he contacted DGO who was the village accountant of Anjanapura circle and the DGO and one Muniyappa, Village Assistant for sending recommendation to D.C to accord permission. They both demanded Rs. 2,00,000/- bribe amount for the same work and after bargaining reduced it to Rs. 80,000/- and not willing to pay the bribe amount he came to the police station and lodged the complaint along with 3 documents and along with it they have produced one CD containing the voice recording of the DGO and identified the copy of the complaint and sign of the complainant as per Ex.P-11 and the documents produced along with the complaint as per Ex.P-12.

PW-3 further deposed that, he registered the same as crime number 57/2015 for offences u/s 7,8, 13(1)(d) r/w, 13(2) of P.C.Act, 1988, after confirming the contents of the tape recorder and filed the FIR as per Ex.P-13. That he sent the said complaint and FIR along with the documents in closed envelope to the jurisdictional court. That he secured 2 panch witnesses, PW-1 and 2, who were called to act as panch witnesses in crime no. 52/2015 wherein Ravikumar, PI, was the I.O. he orally requested to Lokayukta Police Inspector, Bengaluru to send them as panch witnesses in his case. The panch witnesses reported before him at about 01:00 p.m. and he introduced himself and CW-1 to them and also briefed them about the contents of the complaint and gave copy of complaint to them to read and verify the same. The


14/8

said witnesses, PW-1 and 2 have agreed to act as witnesses. CW-1 gave him 80 notes of Rs. 1,000/- each i.e., total Rs. 80,000/- to lay the trap and he got the number of the currency notes noted by his staff as per Ex.P-1 and got phenolphthalein powder applied to both sides of the currency notes through his staff and got the same kept in the front left side pant pocket of CW-1 through PW-1. That he got sodium carbonate solution prepared through his staff. That he took sample of the same, and also sample of the sodium carbonate powder. That he also took sample of the phenolphthalein powder and got the hands of PW-1 washed in sodium carbonate solution. The solution turned to pink colour. That he took sample of the same and he told CW-1 and PW-1 and 2 about the reaction between phenolphthalein powder and sodium carbonate solution and he played the CD produced by the complainant before the panch witnesses and got it transferred to another CD and got it transcribed as per Ex.P-2 and Ex.P-3. The conversation revealed the demand made by the DGO from the complainant.

PW-3 further deposed that, he gave digital voice recorder to CW-1, and instructed him to switch on while meeting the DGO. That he also instructed him to pay the amount only on demand by DGO and after acceptance, give signal by wiping his head and he instructed PW-2 to follow CW-1 and act as shadow witness. All of them washed their hands thoroughly with soap and he got video taken of entire proceedings. He drew pre-trap mahazar as per Ex.P-4. All of them left to the office of DGO, situated at Banashankari Nada Kacheri from his police station.


14/8

PW-3 further deposed that, they reached there at about 04:30 p.m, and stopped his vehicle at a distance from office of DGO. He repeated his instructions to CW-1 and PW-2. He sent CW-1 to the office of DGO. After sometime at 4:40 p.m, CW-1 came out of the office and came near him and told that DGO and the village assistant are not in the office. CW-1 called Muniyappa, Village Assistant and he told to come on next day. Again all of them returned to Lokayukta police station and he received the tainted notes of Rs. 80,000/- from CW-1 and kept it in the almerah and drawn return mahazar in this regard as per Ex.P-5. He informed CW-1, PW-1 and 2 to come on the next day at 10:15 a.m.

PW-3 further deposed that, on 21/07/2015 at 10:15 a.m CW-1, PW-1 and 2 reported before him and he opened the almerah and he took the tainted amount and got it tallied with Ex.P-1 sheet through PW-1 and asked him to keep it in the right side pant pocket of CW-1 and he repeated the instructions given on the earlier day and he gave the digital voice recorder to CW-1.

PW-3 further deposed that, all of them left to the office of DGO situated at Banashankari Nada Kacheri from his police station. They reached there at about 11:55 a.m, and stopped his vehicle at a distance from office of DGO. He repeated his instructions to CW-1 and PW-2. He sent CW-1 to the office of DGO. After sometime at 12:10 p.m, CW-1 came out of the office


14/8

and gave signal by wiping his head. All of them went near CW-1 who was standing near the honge tree and CW-1 told that he met DGO and Muniyappa in their office and they called one Venkatachala by giving missed call and DGO told the complainant to give the amount to the said Venkatachala and as per his direction he has given the amount to Venkatachala who received it on behalf of DGO and kept it in his bag. He enquired Venkatachala who was standing there in this regard and he told that he received the tainted notes on behalf of DGO.

PW-3 further deposed that, he showed his identity card to Venkatachala and told him the purpose for coming, and asked him to co-operate. That he collected the name, designation and address of Venkatachal and he has taken him along with others to the office of DGO. CW-1 showed him the DGO and told that he has taken the amount through Venkatachala. Muniyappa was sitting in front of Venkatachala and CW-1 showed him and told that he also demanded the bribe amount. That he showed his identity card to DGO and Muniyappa and told them the purpose for coming, and asked them to co-operate.

PW-3 further deposed that, he got sodium carbonate solution prepared in 2 bowls separately through his staff and took sample of the same and got both hands of Venkatachala dipped in the solution. The right hand wash solution turned to pink colour but the left hand wash solution did not change colour and he took sample of the same separately. That he enquired Venkatachala

14/8

about the tainted notes and he showed him by opening the zip of his bag. That he got the tainted notes removed from the bag of Venkatachala through PW-2 and got tallied with Ex.P-1 sheet and since they were tallying he seized those notes.

PW-3 further deposed that, he also got the portion of inside bag of Venkatachala where the tainted money was kept swiped with cotton swab and seized it and the bag and found that there were some documents relating to Nada Kacheri so he seized those documents and he returned the documents after getting it certified through Deputy Tahasildar. Since the documents were in the possession of said Venkatachala he came to know that he is working as agent of DGO.

PW-3 further deposed that, he asked the DGO about the file of CW-1. The DGO gave the documents and he seized the same after obtaining the copies as per Ex.P-14. He prepared rough sketch of the spot. He took video of the trap proceedings. Since, there was no facility to hear the digital voice recording which was given to CW-1 at the time of trap. He has arrested the DGO, Muniyappa and Venkatachala and he has taken all of them to Lokayukta police station.

PW-3 further deposed that, he took the voice recorder from CW-1 and got the same played in presence of panch witnesses, transcribed the same and transferred it to CD. In the conversation at the time of trap, there was demand and acceptance of bribe as

14/8

Ex.P-9. That he took the explanations from Venkatachala, DGO and Muniyappa as per Ex.P-6 to Ex.P-8 respectively. CW-1 and PW2 on seeing the explanation, said that it is false.

PW-3 further deposed that, he called for B.Shivananjappa, Deputy Tahasildar to Lokayukta police station and he played CD produced by complainant at the time of pre-trap mahazar and CDs produced at the time of trap. B.Shivananjappa, Deputy Tahasildar identified the voice of DGO and Muniyappa and gave report in this regard as per Ex.P-15. That he has taken video of all these proceedings and converted to CD. That he took the statement of witnesses.

PW-3 further deposed that, he checked the mobile of DGO and Venkatachala and put it to computer and he has taken the printout of missed call received to the mobile of Venkatachala (8971798526) from the mobile of DGO as per Ex.P-16. That he drew trap mahazar as per Ex.P-10 and he has arrested DGO, Venkatachala and Muniyappa and produced them before jurisdictional Court. On 21/07/2015, he recorded the statement of witnesses.

PW-3 further deposed that, on 23/07/2015 he has taken section 65-B certificate from Ravikumar brother of complainant as per Ex.P-17. On 06/08/2015, he got the sketch prepared from PWD Engineer as per Ex.P-18. That he had drawn rough sketch at the time of trap as per Ex.P-19.

A handwritten signature in blue ink, followed by a horizontal line and the date '14/8' written below it.

PW-3 further deposed that, on 10/08/2015 he recorded the statement of Yaccharesh, Revenue Inspector as per Ex.P-20. He sent the articles for chemical examination and received the report dated 06/10/2015 as per Ex.P-21. He collected the service details and attendance register extract of DGO as per Ex.P-22. On 08/10/2015 he received CDRs of complainant as per Ex.P-23. He filed the charge sheet against the DGO after obtaining sanction.

17. (a) The DGO has got himself examined as DW-1 and has filed his affidavit in lieu of his chief examination, where he has contended that, he even though he has not demanded any alleged amount of Rs.80,000/- to the complainant on 17/07/2015 to put up his file the complainant has filed the false case against him, he has no knowledge about the alleged recorded conversation produced by the complainant.

DW-1 further stated that, on 21/07/2015 when he was in his office, at about 12.30 the complainant had come inside his office to provide some details regarding his case since they have to visit the place for inspection of property and collect some documents, after some discussion, the complainant went outside the office with one Muniyappa village assistant, after some time the lokayuktha police have entered his office with Muniyappa and another person Mr.Venkatachala alleging that he has sent him to receive the bribe amount from complainant. The lokayuktha police directed him to produce the case file pertaining to the complainant


14/8

and collected the same with other papers. He has explained them that, he has not demanded any amount from the complainant and he has not instructed the Mr.Venkatachala to collect the alleged amount of Rs. 80,000/-recovered from him and he is not his agent or office assistant. The complainant who was allegedly had good contact with Muniyappa had entered with him illegal transaction which he had no knowledge about the same.

DW-1 further stated that, the complainant was unhappy with Muniyappa so he took his name since file was with him for submitting the report to the Tahasildar except that he is not a competent officer to issue permission to sell the property. The complaint and representation of the same indicates the intention to implicate him in false case.

DW-1 further stated that, he is not a competent authority to issue the permission sought by the complainant. The Deputy Commissioner is a competent Authority to issue the permission to the complainant his work is to prepare a report regarding all the documents provided in the check list and ground report to the Revenue Inspector for further proceedings, the complainant had the knowledge of the same.

DW-1 further stated that, he has not done any misconduct as alleged in the articles of charges. The narrations of factual aspect clearly reflects that, he has no any nexus with the Venkatachala who had received bribe amount from the


14/8

complainant he is innocent and he is not involved in the demand of bribe and obtained the same with Venkatachala, the allegation made against him is baseless and totally false.

18. The DGO has got examined one Gurumurthy as DW-2 who has deposed in his evidence that, he and his brothers and sisters had entered into agreement to sell with respect to land belonging to his father in Sy.No.80 of Golahalli Village with Narayanaswamy on 26/06/2014. Narayanaswamy has given Rs.13,00,000/- out of Rs.1 crore consideration amount. The said land was granted to his father under SC/St grant land. They had not taken permission for sale of the said land and Narayanaswamy had told that he will take the permission. Later on he has not paid any amount and he has expired in the year 2015.
19. On over all evaluation of the oral and documentary evidence adduced by both the parties, the evidence of CW-1/Complainant is not available because he is reported to be dead. On perusal of the evidence of PW-1/Panch witness, PW-2/Shadow witness and PW-3/I.O. they have deposed about lodging of the complaint by CW-1 as per Ex.P-11 alleging demand of bribe of Rs.2,00,000/- by one Muniyappa for getting the permission from DC for sale of land bearing Sy.No.80 measuring 1 acre 36 guntas plus 4 guntas kharab total 2 acres of Gollahalli Village, Utharahalli Hobli, Bengaluru South Taluk belonging to one Gurumurthy and family who belong to Bhovi community which come under SC/ST category, as he had entered into agreement to purchase the above

14/8

said land from Gurumurthy and on bargain Muniyappa and DGO reduced bribe amount to Rs.80,000/-. Further the evidence of PW-1 to 3 reveals that CW-1 has produced 80 notes of Rs.1,000/- each to the PW-3 to lay the trap and PW-3 got phenolphthalein powder smeared on the notes and got the number of the notes noted in a sheet as per Ex.P-1 and got the notes kept in the right side pant pocket of complainant through PW-1 and hands of PW-1 was washed in sodium carbonate solution and it changed to pink colour and PW-3 has seized the sample of the solution.

20. Further the evidence of PW-1 to 3 reveal that PW-3 has played the voice recordings produced by CW-1 and got it transcribed as per Ex.P-2 and 3 and burnt it into CD. Further their evidence reveals that PW-3 has given one digital voice recorder to DW-1 and instructed him to switch it on while meeting the DGO and to pay the amount only on demand by DGO and after acceptance to give signal by wiping his head and instructed PW-2 to act as shadow witness and PW-3 has drawn pre-trap mahazar with respect to the above proceedings as per Ex.P-4.
21. Further the evidence of PW-1 to 3 reveals that all of them left the lokayukta police station Bengaluru and reached the office of the DGO at Bhanashankari Nada Kacheri at 4.30 p.m. and CW-1 and PW-2 went inside the office of DGO and at 4.40 p.m. CW-1 came out and told that DGO and Muniyappa are not in the office and when CW-1 called Muniyappa, he told to come on the next day, as such all of them returned to lokayukta police station and PW-3 as received Rs.80,000/- tainted notes and voice recorder from CW-1

14/8

and has drawn return mahazar in this regard as per Ex.P-5 and informed CW-1, PW-1 and 2 to come on next day.

22. Further the evidence of PW1 to PW3 reveals that on 21/07/2015 at 10.15 a.m. CW-1, PW-1 and 2 reported before PW-3 and he has given the tainted amount to CW-1 and asked PW-1 to keep it in the right side pant pocket of CW-1 and repeated the instructions given earlier and gave digital voice recorder to CW-1 and all of them left the lokayukta police station to the office of DGO at Banashankari Nada Kacheri and reached there at 1.55 a.m. Further the evidence of PW-1 to 3 reveals that the CW-1 and PW-2 went inside the office.
23. PW-2/Shadow witness as well as independent eye witness has deposed that, the complainant spoke to DGO and Muniyappa about the work, Muniyappa was working as Village Assistant and DGO and Muniyappa asked to pay the amount to one Venkatachala working as agent there and complainant and Venkatachala came outside and went to Zilla Panchayath office premises near a tree half furlong far from DGO office and the complainant gave the tainted notes of Rs.80,000/- to Venkatachala, who received it from his right hand and kept it in his bag which was hanging on his shoulder and complainant gave signal by wiping his head with his hand.
24. In the cross examination of PW-2, he has admitted that he could not hear what DGO and complainant were talking, but, he has seen them talking. Further he has stated that he could not hear


14/8

the talk between Muniyappa and complainant. That he has not stated in his statement why Venkatachala was called inside the DGO office.

25. From the above evidence of PW-2/Shadow witness it is clear that he has not heard the conversation between DGO and complainant. As such his evidence that DGO asked the complainant to give amount to Venkatachala cannot be believed, because when he has not heard the conversation between DGO and complainant then how can he say that DGO told the complainant to give the amount to Venkatachala. PW-2 independent eye witness has unequivocally spoken in his cross examination that he could not hear the conversation between DGO and complainant. Further PW-3/I.O. has also admitted in his cross examination that shadow witness has given statement that he saw the complainant talking with DGO, but, he has not given statement as to what they were talking. As such there is no clear, cogent evidence to show demand of bribe by DGO from complainant and acceptance of the same through Venkatachala.
26. Further evidence of PW-1 to 3 reveals recovery of the tainted notes from one Venkatachala and about his right hand wash in sodium carbonate solution turning to pink colour and about recovery of the tainted notes of Rs.80,000/- from his possession and about taking the explanation from Venkatachala, Muniyappa and DGO by PW-3 as per Ex.P-6 to 8 respectively. The DGO has given the explanation as per Ex.P-8 wherein he has stated that the complainant is instigating him to receive the amount for work, but,


14/8

he has refused to receive it and had told that he would do the work and Muniyappa forcibly tried to give the amount to him through complainant, but, he has not received it and has not asked for any amount.

27. Venkatachala, who has received the amount has given explanation as per Ex.P-6 wherein he has clearly stated that, on that day he was asked to bring one register and when he was going the Village Assistant Muniyappa told him that a party will come and give the amount and asked him to come with him and receive the amount. But, he does not know what is the source of the amount and after receiving the amount PW-3 has trapped him. Venkatachala who has received the amount and from whom the tainted notes is recovered by PW-3/I.O. has given explanation, wherein he has stated that he has received the tainted notes as per instructions of Muniyappa, Village Assistant. Nowhere he has stated that he has received the amount as per instructions of DGO. Further PW-3/I.O. has also admitted in his cross examination that shadow witness has given statement that Venkatachala has not given statement that he has taken amount as per instructions of DGO.

28. From the evidence of PW-1 to 3 they have deposed about conducting of pre-trap mahazar as per Ex.P-4 and trap mahazar as per Ex.P-10 and told about recovery of tainted notes from one Venkatachala. But, to connect the DGO that he has demanded bribe from CW-1/complainant and received the bribe amount through Venkatachala is concerned in iota of evidence is adduced. As such the disciplinary authority has failed to prove the demand


14/8

and acceptance of bribe amount by DGO from CW-1 through Venkatachala.

29. From the evidence of PW-3/I.O. it reveals that, PW-3 played the CD produced by the complainant before the panch witnesses and got it transferred to another CD and got it transcribed as per Ex.P-2 and Ex.P-3. Further PW-3 has deposed that after trap he took the voice recorder from CW-1. He got the same played in presence of panch witnesses, transcribed the same and transferred to CD. In the conversation at the time of trap, there was demand and acceptance of bribe as per Ex.P-9. Further PW-3 has deposed that the entire conversations made by CW-1 with DGO, Muniyappa and Venkatachala were recorded. Ex.P-17 is the certificate dated 23/07/2015 as per section 65(B) of Indian Evidence Act produced by one Ravikumar, brother of the complainant with respect to the contents of conversations made between the complainant with DGO and Muniyappa. The complaint was lodge on 20/07/2015 and this certificate is produced subsequently. The said Ravikumar was not examined before this authority. Hence, the certificate is not proved before this authority and Ex.P-17 cannot be relied upon. There are other electronic evidences which prosecution relies on to prove it's case but these are not attached with the certificate contemplated under section 65(B) of the Indian Evidence Act and therefore loses it's evidentiary value.
30. Further there is no section 65 (B) Certificate issued by PW-3/I.O. with respect to the above C.D. In the absence of compliance of section 65 (B) of Evidence Act the same is not admissible and


14/8

cannot be relied upon. On the basis of the transcriptions at Ex.P-2, 3 and 9, it is contended that the DGO had demanded bribe from complainant during his talk with complainant. In respect of CD which was transmitted from voice recorder, no certificate under section 65 (B) of Indian Evidence Act is obtained. Further there is no section 65 (B) Certificate issued by CW1/complainant with respect to the above C.D. In the absence of compliance of section 65 (B) of Evidence Act the same is not admissible and cannot be relied upon.

31. It is pertinent to note the decision reported in 2014 AIR SCW 5696 (Anvar P.V. V/s P.K. Bhasheer and others) wherein the Hon'ble Supreme Court in para No.22 has held as under:

22.... An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under section 65B are satisfied. Thus, in the case of CD VCD Chip etc., the same shall be accompanied by the certificate in term of section 65B obtained at the time of taking the document, without which, the secondary evidence pertaining to the electronic record, is inadmissible”.

32. In respect of CD as there is no 65(B) certificate, it is inadmissible and transcriptions at Ex.P-2, 3 and 9 on the basis of CD is also inadmissible. For all these reasons, recordings in CD and transcriptions as per transcriptions at Ex.P-2, 3 and 9 are not helpful to disciplinary authority case to prove alleged demand of bribe by DGO on 17/07/2015, 09/07/2015 and 21/07/2015.


14/8

33. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P-1 to P-23, as reasoned above, not prove that the DGO had demanded and accepted bribe of Rs.80,000/- from the complainant on 21/07/2015 through one Venkatachala. The disciplinary authority has not proved the charges against the DGO. Accordingly, this point is answered in the **Negative**.
34. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

FINDINGS

The disciplinary authority has not proved the charges against the DGO. **The date of Retirement of DGO is 28/02/2043.**

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


14/8/2023

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

ANNEXURES

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

PW1:- Sri. C.M.Chowdappa
 PW2:- Sri. C.S.Veerabhadraiah
 PW3:- Sri. K.Ravishankar

List of witnesses examined on behalf of the Defence:-

DW1:- Sri. T.Yathisha Kumar (DGO)
 DW2:- Sri. Gurumurthy

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Attested copy of list of currency notes.
Ex P2	Attested copy of Transcription.
Ex P3	Attested copy of Transcription.
Ex P4	Attested copy of pre-trap mahazar dated 20/07/2015.
Ex P5	Attested copy of mahazar dated 20/07/2015.
Ex P6	Attested copy of statement of K.Venkatachala dated 21/07/2015.
Ex P7	Attested copy of statement of Muniyappa dated 21/07/2015.
Ex P8	Attested copy of statement of DGO dated 21/07/2015.
Ex P9	Attested copy of Transcription dated 21/07/2015.
Ex P10	Attested copy of trap mahazar dated 21/07/2015.
Ex P11	Attested copy of complaint dated 20/07/2015.
Ex P12	Attested copy of documents produced by complainant on 20/07/2015.
Ex P13	Attested copy of FIR in Cr.No.57/2015
Ex P14	Attested copy of documents pertaining to Complainant.
Ex P15	Attested copy of Deputy Thasildar letter


14/8

	dated 21/07/2015.
Ex P16	Attested copy of printout of missed call received to the mobile of Venkatachala from the mobile of DGO.
Ex P17	Attested copy of 65(B) certificate from Ravikumar brother of complainant.
Ex P18	Attested copy of sketch prepared by PWD Engineer.
Ex P19	Attested copy of rough sketch of the spot.
Ex P20	Attested copy of statement of Yaccharesh dated 10/08/2015
Ex P21	Attested copy of Chemical Examiner's report.
Ex P22	Attested copy of service details and attendance register extract of DGO.
Ex P23	Attested copy of CDRs of complainant.

List of documents marked on behalf of Defence:-

Nil


(J.P. Archana)

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