



## KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/92/2014/ARE-11

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Dated 04.02.2023.

### RECOMMENDATION

Sub:- Departmental inquiry against Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Dommaluru Sub-Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru - reg.

- Ref:- 1) Government Order No.ನಅಇ 305 ಎಂಎನ್‌ಜಿ 2013, ಬೆಂಗಳೂರು, dated 12/11/2013.
- 2) Nomination order No.LOK/INQ/14-A/92/2014, dated 10.02.2014 of the Upalokayukta-1, State of Karnataka.
- 3) Inquiry report dated 31.01.2023 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 12-11-2013 initiated the disciplinary proceedings against Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Dommaluru Sub-Division,

Bruhath Bengaluru Mahanagara Palike, Bengaluru [hereinafter referred to as Delinquent Government Officer/official, for short as 'DGO'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/92/2014, dated 10.02.2014, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. As per order No.LOK/INQ/14-A/2014, dtd:14-03-2014, the inquiry was transferred to Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, to conduct Departmental inquiry against DGO.

3. The DGO Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Dommaluru Sub-Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru, was tried for the following charge:-

**ANNEXURE-1**

**CHARGE:**

That you DGO Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No. 89, Dommaluru Sub-Division, Bruhath Bangalore Mahanagara Palike, Bangalore, while discharging your duties:

- (a) Complainant's sister's son namely, Sri.Padmanabh Rao Bhosle had purchased site No.251 (bearing old site Nos. 13 and 375) measuring 29 X 30 feet in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, under a registered sale deed on 25/05/2012 from one Sri.Venkob Rao. So, an application had been given to the B.B.M.P office at Mayo Hall on 30/05/2012 for change of khatha and said Sri.Padmanabh Rao had given complainant's mobile No.9845186111 to you DGO and had asked complainant to look after and take steps in that regard as he was to go back to America. When things stood so, on 09/07/2012 the complainant received a mobile call from mobile No.9448511512 (i.e., from DGO) to his mobile asking about his whereabouts telling him that you DGO is near his house at

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Indiranagar. For that, he told that he is at Hoskote. Then you DGO told him that you DGO want to meet him in connection with the said khata matter. So, he replied you DGO that he will be coming on the next day or a day thereafter. For that, you DGO asked him then to meet you DGO after contacting you DGO over said mobile. Later, he contacted you DGO on 11/07/2012 on Wednesday telling that he will meet you DGO on the next day besides asking document(s) which he has to bring. For that, you DGO told him that no document is required, but also told that you DGO had not been met by him so far. Then he told you DGO that said language is not understandable and asked to make it clear. For that, you DGO asked him whether he does not know that he has to pay. Then he asked you DGO to tell him. For that, you DGO asked him to pay/give bribe of Rs.10,000/- for change of khatha in the name of Sri. Padmanabh Rao.

(b) After approaching Lokayukta Police, he (complainant) contacted you DGO on 13/07/2012 on mobile through his mobile and told that he had not seen you DGO so far, due to which he is not acquainted with

face and hence, he will come near his house at Indiranagar & asked you DGO to come there. Accordingly, you DGO came near his house at about 3.00 p.m. Then he enquired about change of khatha of said site besides requesting to reduce the bribe amount told. Then you DGO asked him to give Rs.1,000/- less. For that, when he asked you DGO repeatedly whether it is Rs.9,000/-, you DGO answered in affirmative.

- (c) Not only that, on 16/07/2012, you DGO had taken the tainted (bribe) amount from him at DGO's office in connection with said work of mutation.
- (d) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount, which you DGO had then, when questioned by the I.O.
- (e) Thereafter, you DGO was caught hold as found with the tainted (bribe) amount on said date at said place.
- (f) Then the said tainted (bribe) amount was seized from you DGO under a mahazar by the I.O on said date.

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

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

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '**proved**' the above charge against the DGO Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Dommaluru Sub-Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru.

5. On perusal of the inquiry report, in order to prove the guilt of DGO, the disciplinary authority has examined four witnesses as per PW-1 to PW-4 and Ex.P.1 to Ex.P-16 documents were got marked. DGO has examined



himself as DW-1 and got marked Ex. D-1 and D-2 documents.

6. On re-consideration of report of inquiry and on perusal of the entire records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

7. As per the First Oral Statement of DGO, furnished by the Inquiry Officer, DGO is due to retire from service on 30.04.2027.

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

“it is hereby recommended to the Government to impose penalty of compulsory retirement and withholding of 25% pension permanently of DGO Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward



No.89, Dommaluru Sub-Division,  
Bruhath Bengaluru Mahanagara Palike,  
Bengaluru.”

9. Action taken in the matter shall be intimated to this  
Authority.

Connected records are enclosed herewith.

4/2/23

**(JUSTICE K.N.PHANEENDRA)**

Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

NO. LOK/INQ/14-A/92/2014/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 31/01/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Domaluru Sub Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru. -reg.

Ref: 1. Government Order No. ನಅಇ 305 ಎಂಎನ್‌ಜಿ 2013 ಬೆಂಗಳೂರು, ದಿನಾಂಕ 12/11/2013.

2. Nomination Order No. LOK/INQ/14-A/92/2014, Bengaluru, dated 10/02/2014.

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1. The Departmental Enquiry is initiated against Sri. Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No.89, Domaluru Sub Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru, (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 16/07/2012. The allegations in the complaint is that Complainant's sister's son Padmanabha Rao Bhosle had purchased site No.251 (bearing old site Nos. 13 and 375) measuring 29X30 feet



in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, under a registered sale deed on 25/05/2012 from one Sri.Venkob Rao. So, an application had been given to the B.B.M.P office at Mayo Hall on 30/05/2012 for change of khatha and he had given complainant's contact number to DGO as he was to go back to America. On 09/07/2012 DGO called complainant that he is near to his house at Indiranagar. For that complainant told that he is at Hoskote and DGO told that he wants to meet in connection with the khatha matter. That as per instructions of DGO complainant contacted DGO on 11/07/2012 and told that he will meet him on the next day with documents. For that, DGO told complaint that no document is required, as he has not met him earlier. Then complainant told DGO that said language is not understandable and asked to make it clear. For that, DGO told him to pay/give bribe of Rs.10,000/- for change of khatha in the name of Sri. Padmanabh Rao.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, City Div. Bengaluru lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.62/2012 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 again the complainant met the DGO and on bargain the DGO reduced Rs1000/-

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bribe amount and on 16/07/2012, DGO was caught red handed while demanding and accepting illegal gratification of Rs.9,000/- from the complainant in his office situated at BBMP Office, Utility Building, M.G.Road, Bengaluru and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, City Division, Bengaluru. The DGO has failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 31/07/2013 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The competent authority by order dated 12/11/2013 entrusted the matter to the Hon'ble Upalokayukta.

5. The Hon'ble Upalokayukta by order dated 10/02/2014, nominated Additional Registrar Enquiries-4 to conduct the enquiry. As per order

  
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of Hon'ble Upalokayukta dated 14/03/2014 file is transferred to this ARE-11.

6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

**ANNEXURE-1**

**CHARGE:**

That you DGO Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No. 89, Dommaluru Sub-Division, Bruhath Bangalore Mahanagara Palike, Bangalore while discharging your duties:

- (a) Complainant's sister's son namely, Sri.Padmanabh Rao Bhosle had purchased site No.251 (bearing old site Nos. 13 and 375) measuring 29X30 feet in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, under a registered sale deed on 25/05/2012 from one Sri.Venkob Rao. So, an application had been given to the B.B.M.P office at Mayo Hall on 30/05/2012 for change of khatha and said Sri.Padmanabh Rao had given complainant's mobile No.9845186111 to you DGO and had asked complainant to look after and take steps in that regard as he was to go back to America. When things stood so, on 09/07/2012 the complainant received a mobile call from mobile No.9448511512 (i.e.,

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from DGO) to his mobile asking about his whereabouts telling him that you DGO is near his house at Indiranagar. For that, he told that he is at Hoskote. Then you DGO told him that you DGO wants to meet him in connection with the said khata matter. So, he replied you DGO that he will be coming on the next day or a day thereafter. For that, you DGO asked him then to meet you DGO after contacting you DGO over said mobile. Later, he contacted you DGO on 11/07/2012 on Wednesday telling that he will meet you DGO on the next day besides asking document(s) which he has to bring. For that, you DGO told him that no document is required, but also told that you DGO had not been met by him so far. Then he told you DGO that said language is not understandable and asked to make it clear. For that, you DGO asked him whether he does not know that he has to pay. Then he asked you DGO to tell him. For that, you DGO asked him to pay/give bribe of Rs.10,000/- for change of khatha in the name of Sri. Padmanabh Rao.

- (b) After approaching Lokayukta Police, he (complainant) contacted you DGO on 13/07/2012 on mobile through his mobile and told that he had not seen you DGO so far, due to which he is not acquainted with face and hence, he will come near his house at Indiranagar & asked you DGO to come there. Accordingly, you DGO

  
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came near his house at about 3.00 p.m. Then he enquired about change of khatha of said site besides requesting to reduce the bribe amount told. Then you DGO asked him to give Rs.1,000/- less. For that, when he asked you DGO repeatedly whether it is Rs.9,000/-, you DGO answered in affirmative.

- (c) Not only that, on 16/07/2012, you DGO had taken the tainted (bribe) amount from him at DGO's office in connection with said work of mutation.
- (d) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount, which you DGO had then, when questioned by the I.O.
- (e) Thereafter, you DGO was caught hold as found with the tainted (bribe) amount on said date at said place.
- (f) Then the said tainted (bribe) amount was seized from you DGO under a mahazar by the I.O on said date.
- (g) Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O., which show said repeated misconduct of you DGO.

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

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

**ANNEXURE-11**

**STATEMENT OF IMPUTATION OF MISCONDUCT**

On the basis of a report of the Additional Director General of Police in Karnataka Lokayukta at Bangalore, filed with papers of investigation made by the Police Inspector in Karnataka Lokayukta at Bangalore (herein after referred to as Investigating Officer-'I.O.' for short), stated that Sri.Rajendra, Revenue Inspector, Office of the Assistant Revenue Officer, Ward No. 89, Dommaluru Sub-Division, Bruhath Bangalore Mahanagara Palike, Bangalore, being a public/Government servant, has committed misconduct, when approached by Sri.H.Prabhakar Rao S/o H.S.Hanumantha Rao - Electrical Contractor of Mamulpet in Sri.Basaveshwar Temple Road at Hosakote Town of Bangalore Rural District (herein after referred to as 'Complainant' for short) an investigation was taken up U/s 9 of the Karnataka Lokayukta Act, after invoking power vested U/s 7 (2) of that Act.



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

(a) According to the complaint : Complainant's sister's son namely, Sri.Padmanabh Rao Bhosle had purchased site No.251 (bearing old site Nos. 13 and 375) measuring 29X30 feet in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, under a registered sale deed on 25/05/2012 from one Sri.Venkob Rao. So, an application had been given to the B.B.M.P office at Mayo Hall on 30/05/2012 for change of khatha and said Sri.Padmanabh Rao had given complainant's mobile No.9845186111 to DGO and had asked complainant to look after and take steps in that regard as he was to go back to America. When things stood so, on 09/07/2012 the complainant received a mobile call from mobile No.9448511512 (i.e., from DGO) to his mobile asking about his whereabouts telling him that DGO is near his house at Indiranagar. For that, he told that he is at Hoskote. Then DGO told him that DGO wants to meet him in connection with the said khata matter. So, he replied DGO that he will be coming on the next day or a day thereafter. For that, DGO asked him then to meet DGO after contacting DGO over said mobile. Later, he contacted DGO on 11/07/2012 on Wednesday telling that he will meet DGO on the next day besides asking document(s) which he has to bring. For that, DGO told

  
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him that no document is required, but also told that DGO had not been met by him so far. Then he told DGO that said language is not understandable and asked to make it clear. For that, DGO asked him whether he does not know that he has to pay. Then he asked DGO to tell him. For that, DGO asked him to pay/give bribe of Rs.10,000/- for change of khatha in the name of Sri. Padmanabh Rao.

(b) After approaching Lokayukta Police, he (complainant) contacted DGO on 13/07/2012 on mobile through his mobile and told that he had not seen DGO so far, due to which he is not acquainted with face and hence, he will come near his house at Indiranagar & asked DGO to come there. Accordingly, DGO came near his house at about 3.00 p.m. Then he enquired about change of khatha of said site besides requesting to reduce the bribe amount told. Then DGO asked him to give Rs.1,000/- less. For that, when he asked DGO repeatedly whether it is Rs.9,000/-, DGO answered in affirmative.

(c) Not only that, on 16/07/2012, DGO had taken the tainted (bribe) amount from him at DGO's office in connection with said work of mutation.

(d) Added to that, DGO failed to give any satisfactory reply or explanation or account for the said (tainted) bribe

  
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amount, which DGO had then, when questioned by the I.O.

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

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

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

3. Said facts supported by the material on record show that the DGO, being a public servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.

4. Therefore, an investigation was taken up against the DGO and an observation note was sent to them to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against them in the matter. For that, the DGO gave his reply.

  
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However, the same has not been found convincing to drop the proceedings.

5. Since said facts and material on record prima facie show that the DGO has committed misconduct under Rule 3 (1) of the KCS Conduct Rules, 1966, recommendation is made under Section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
6. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.
8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 11/07/2014 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 11/07/2014, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 30/04/2027.**

  
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9. The DGO has filed Written Statement dated 28/05/2015 denying the allegations made against her in the articles of charge and statement of imputation. He further contended that he has neither demanded nor accepted any illegal gratification from anybody and much less from the complainant. A false case was foisted against him with ulterior motive. Complainant is not a beneficiary and he has not been authorized by the original beneficiary to act upon him in changing khatha. The complaint is baseless and without any authority which has no legal sanctity, acting upon such unnatural complaint has prejudiced him and he has been made to suffer by implicating him in this case. Further contended that a criminal case been registered by the Lokayukta Police under P.C.Act. That there was no work pending with him. The complainant has never met him earlier to the date of trap and there was no occasion for him to demand illegal gratification from the complainant. That he has completed his work pertaining to change of 'B' khatha much earlier to the date of alleged trap and the said file was approved by ARO and Revenue Officer and the file was pending for mutation entry with office accountant, the fact that the "B' khatha was changed was intimated to the concerned parties. Under such circumstances when change of 'B' khatha is in the knowledge of the parties the question of demand and acceptance of bribe does not arise. Accordingly there is not iota of evidence to

  
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show that he has demanded and accepted illegal gratification from the complainant.

Further contended that 20 days earlier to trap he took the charge of said office in end of June 2012 and it is hard to believe that he has demanded bribe from the complainant. The file was pending since from 6 months and after taking charge he cleared the file as soon as he took charge and forwarded to ARO after following all procedures and the file was pending with the Accountant Office on the date of alleged trap, accordingly the file was seized from the accounts office and not from him. This shows that he was not in a position to show any official favour to the complainant.

Further DGO has contended that the recovery of money is doubtful and there is no evidence in the entire record to show that he has demanded money from the complainant. The entire story of the disciplinary authority seems to be created and concocted and unanatural to the ordinary circumstances which no prudent man can believe. That he has not committed any misconduct and he was performing his duty as per law, as such the departmental enquiry against him may be dropped.

Further contended that there is no independent witness to establish demand and acceptance or the misconduct against him. The panchanamas, complaint, FIR etc., are concocted and created to their will and wish. That there is no prima facie case against

  
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him. Hence prayed to drop the departmental enquiry against him and to close the matter in the interest of justice and equity.

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

**1. Whether the disciplinary authority proves that the DGO while working as Revenue Inspector, Office of the Assistant Revenue Officer, Ward No. 89, Dommaluru Sub-Division, Bruhath Bangalore Mahanagara Palike, Bangalore, when the complainant approached the DGO with respect to the application filed by his sister's son Padmanabha Rao Bhosle who had purchased site No.251 (bearing old site Nos. 13 and 375) measuring 29X30 feet in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, under a registered sale deed on 25/05/2012 from one Sri.Venkob Rao and he had filed an application to the B.B.M.P office at Mayo Hall on 30/05/2012 for change of khatha and he had given complainant's contact number to DGO as he had to go back to America and on 09/07/2012, DGO called complainant that he is near to his house**

  
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at Indiranagar, for that complainant told that he is at Hoskote and DGO told that he wants to meet him in connection with the khatha matter and as per instructions of DGO, the complainant contacted DGO on 11/07/2012 and told that he will meet him on the next day with documents for that, DGO told complaint that no document is required, as he has not met him earlier and told him to pay/give bribe of Rs.10,000/- for change of khatha in the name of Sri. Padmanabh Rao and not willing to pay the amount, the complainant lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru, who registered case in Cr.No.62/2012 and took up investigation and again the complainant met the DGO and on bargain the DGO reduced Rs1000/- bribe amount and the DGO on 16/07/2012 accepted bribe amount of Rs.9,000/- from the complainant in his office situated at BBMP office, Utility Building, M.R.Road, Bengaluru and the said amount was seized by the Investigating Officer and the DGO

  
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has failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. and thereby failed to maintain absolute integrity and devotion to duty, the act which is unbecoming of a Public Servant and thereby committed misconduct as enumerated under Regulation 3(1)(i) to (iii) of KEB (Conduct) Regulations.?

## 2. What findings?

11. (a) The disciplinary authority has examined Sri H. Prabhakar rao, complainant as PW-1, Sri K. Thimmappa, Panch Witness as PW2, Sri.K.P.Mahalingaiah, Shadow witness as PW3 and Sri Anil Kumar V., Investigating Officer as PW4 and got exhibited 16 documents on it's behalf.

(b) The DGO got himself examined as DW1 and got exhibited 2 documents on his behalf.

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

  
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12. Heard both side arguments and perused all the documents.

13. The answers to the above points are:

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

### REASONS

**14. Point No.1:-** (a) P.W.1/complainant Sri. H.Prabhakar Rao has deposed in his evidence that Sri. Padmanabha Rao Bhosle is his sister's son and he knows the DGO. That he had been to DGO for change of khatha of the house situated at Indiranagar which was purchased by his sister's son. That he had given application to BBMP for change of khatha. That he had been to BBMP on behalf of his nephew. That the DGO told that he has to give Rs.10,000/- bribe and on bargain he has reduced to Rs.9,000/- stating that he has to give the amount to other parties. Hence he has lodged complaint as per Ex.P1. That the police have called 2 panch witnesses and the police talked to those panchas. That he has not given anything to the I.O. That he called the DGO through his mobile. He told to come at 3.00 p.m So all of them left Lokayukta Police Station and reached BBMP office. That the office of DGO is in the 12<sup>th</sup> floor of Mayo Hall. That DGO was present in the chamber and he alone went inside and he had taken the notes of Rs.9,000/- in a cover and gave it to the DGO. That the DGO has received the same and kept inside his shirt pocket. That Lokayukta police \_ came behind him along with witnesses and

  
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caught hold of DGO. That I.O. has received the notes from the DGO and has washed the hands of DGO in the solution and the solution changed the colour. That he had given notes kept inside the cover to the Lokayukta police and they had applied powder to it and he has given the same notes to the DGO. That I.O. has seized the notes and has drawn mahazar in this regard as per Ex.P2. Further he has stated that the notes were of Rs.500/0 and Rs.1,000/- denominations. That he cannot remember how many notes were there. That he does not remember what other things were seized from the DGO. That except the tainted notes I.O. has not given him anything. Further stated that I.O. has not received anything from him in the chamber of DGO. That after receiving the amount DGO told that he would do change of khatha.

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

15. (a) PW2/panch witness Sri. K.Thimmappa has deposed in his evidence that he was working as Senior Assistant in KIADB office situated in the Aravind Bhavan in the year 2012. The Lokayukta police have called him to the station and one K.P.Mahalignaiah was also accompanied him and Lokayukta police showed him one video. That a person has come there to lodge complaint with respect to demand of bribe by the DGO. That complainant produced Rs.9,000/- and the I.O got the numbers noted in a book and got smeared some powder on the notes and later on gave it to

  
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the complainant. That the complainant contacted the DGO through his mobile. That the I.O got washed hands of one person in a solution and the said solution turned to pink colour and the I.O. has seized the same and the I.O. has drawn mahazar in this regard as per Ex.P3. That all of them went to Mayo Hall building. That K.P.Mahalingaiah, complainant and Lokayukta Police staff went inside the Mayohall building and it was 3.00 p.m and he was watching from outside. That later on Lokayukta Police took him inside the office. That DGO was present in the office but now he cannot identify. That he and others counted the amount and gave it to K.P. Mahalingaiah and that he cannot say anything about other things.

(b) He has been partly treated hostile by the learned Presenting Officer and is cross examined and in the cross examination by the learned Presenting Officer he has admitted all the suggestions put forth by the Presenting Officer with respect to Ex.P3 pre-trap proceedings and Ex.P2 trap proceedings. Further he has also admitted about the seizure of the documents about transcription of recordings in the button camera as per Ex.P4 and DGO giving explanation as per Ex.P5. PW2 further admitted that on 18/07/2012 the Lokayukta Police have conducted seizure mahazar as per Ex.P6.

(c) In the cross examination of PW2 by the DGO counsel he has stated that since the Presenting Officer threatened him that if he does not depose as per the mahazar then he has to face DE so he has deposed as stated in Para 2 to 4 in his evidence.

  
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16.(a) PW3 Sri. K.P. Mahalingaiah/ Shadow witness has deposed in his evidence that on 16/07/2012 at about 12.30 p.m he and his colleague K.Thimmappa went to Lokayukta Police station, City division, Bengaluru and the complainant was present there and he has filed complaint against DGO alleging demand of bribe for his work. That the complainant produced Rs.9,000/- and I.O. has got noted numbers of currency notes in a sheet and got smeared some powder on it and some person counted notes and his hands were washed in the solution and said solution turned to pink colour and I.O. seized said solution. Further he deposed that I.O. has given said notes to the complainant and has put one pen camera to the shirt of the complainant and the I.O. has drawn panchanma with respect to the proceedings as per Ex.P3. That later on all of them went to Utility Building and reached their at 3.30 p.m. and all of them went 12<sup>th</sup> floor of the said building. That the complainant went inside the Revenue office and later on at 4.00 to 4.30 p.m complainant has given signal and he does not remember type of signal. That he, Thimmappa and I.O. went inside the Revenue office and DGO, complainant and some public were present there and that amount was in the hands of DGO and said notes were the notes stated above and I.O. has seized the notes and got prepared sodium carbonate solution in two bowls and got both hands o DGO wash in it and solution in both bowls turned to pink colour. That I.O. has seized the solution. I.O. has drawn mahazar in respect of

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the above proceedings. Later on all of them have returned to the office of I.O. along with DGO.

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

17. (a) PW4/ Investigating Officer Sri. Anil Kumar V has deposed in his evidence that he was working as Police Inspector attached to Lokayukta Police Station, City Division, Bengaluru from 25/11/2010 to 30/09/2013. That on 12/06/2012 the complainant by name Sri. H.Prabakar Rao appeared before him in Lokayukta Police Station, City Division, Bengaluru and orally complained against the DGO that DGO is demanding illegal gratification in connection with mutation of khatha of the site. In order to ascertain the correctness or otherwise of the said oral allegation he handed over a voice recorder to the complainant with instructions to approach the DGO and to record the conversation between the complainant and DGO.

PW4 further stated that on 16/07/2012 at 2.10 P.M. the complainant appeared before him in Lokayukta Police Station, City Division, Bengaluru and returned the voice recorder and filed a computerised complaint as per Ex P1. That on the basis of the said complaint he registered the case against the DGO in crime number 62/2012 of Lokayukta Police Station, City Division, Bengaluru for the offence punishable under section 7 of The Prevention of Corruption Act, 1988 and submitted FIR as per Ex P7 to the Court

  
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of 23<sup>rd</sup> Additional City Civil and Sessions Judge, Bengaluru and he secured shadow witness by name K.P.Mahalingaiah and panch witness by name Thimmappa and informed them the purpose for which they are secured and also introduced them to the complainant and made known the contents of the complaint.

PW4 further stated that the complainant placed six currency notes of denomination of Rs.500/- each and 6 currency notes of denomination of Rs.1000/- each and thus in all a sum of Rs.9,000/- and he got applied phenolphthalein powder on the above notes through his staff. That on his instructions the panch witness placed the above tainted notes in the left side pocket of shirt of the complainant. That he got prepared solution with water and sodium carbonate powder and after obtaining sample of the said solution in a bottle instructed the panch witness to immerse fingers of hands in the residual solution in response to which the panch witness immersed fingers of hands in the residual solution which consequently turned to pink colour. That he seized the said wash in a bottle. That he got transmitted the contents of voice recorder to a compact disc and obtained the copy of the said compact disc and seized the original compact disc.

PW1 further stated that on his instructions the complainant contacted the DGO over cell phone and he recorded the said conversation in another mobile hand set and got transmitted the said conversation into a compact disc and seized the said compact disc. That he came to know through the complainant and the recorded conversation that DGO informed the complainant to meet

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in his office situated in 12<sup>th</sup> floor of Utility Building near Mayo Hall, Bengaluru.

PW4 further stated that he instructed the complainant to approach the DGO and to give the above tainted notes only in case of demand by DGO and to give signal by wiping head with one of the hands in case of acceptance of tainted cash. That he instructed the shadow witness to accompany the complainant and to observe as to what transpires between the complainant and DGO and he conducted pre-trap mahazar with respect to the above proceedings as per Ex P3.

PW4 further stated that subsequent to pre-trap mahazar he left Lokayukta Police Station, City Division, Bengaluru at 3.27 P.M along with his staff, complainant, shadow witness and panch witness and reached near Utility Building, Bengaluru at 3.40 P.M. That on his instructions, the complainant along with the shadow witness proceeded to 12<sup>th</sup> floor of Utility Building. That he along with his staff and panch witness waited outside the BBMP office situated in 12<sup>th</sup> floor of Utility Building, Bengaluru.

PW4 further stated that at 3.45 P.M the complainant came out of the office of DGO and wiped his head with right hand and he along with his staff and panch witness entered the office of DGO where the complainant pointed out the DGO and told that DGO accepted tainted cash and after acceptance counted the same with both hands and placed the same in the left side pocket of shirt. Further deposed that he disclosed his identity to DGO and informed the purpose of his visit. That DGO placed his identity

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card before him. That he obtained the xerox copy of the same as per Ex P8. That he summoned one Udyakumar who is the higher officer of DGO. PW4 further stated that on his instructions his staff prepared solution with water and sodium carbonate powder in two bowls. That he obtained sample of the said solution in a bottle and got the left and right hand fingers of DGO immersed separately in the bowls and the solution in both the bowls turned to light pink colour and he seized those wash separately in two bottles. Further deposed that he questioned the DGO about tainted cash and the DGO told him that tainted notes are inside the left side pocket of his shirt and on his instructions, the shadow witness removed cash of Rs.9,000/- from the left side pocket of shirt of DGO. That the numbers of the said notes corresponded with the numbers mentioned in the pre-trap mahazar and he seized the said tainted cash.

PW4 further stated that he asked the DGO about the file of the complainant. DGO told him that he has already attended the said file and handed over to the Office Accountant by name Sri. Jagadeesh. That he came to know that Jagadeesh was on leave and he came to know that four almirahs were under the control of Jagadeesh and they were locked. So he sealed those four almirahs and he secured two xerox copies of two sheets of attendance register maintained in that office as per Ex P9.

PW4 further stated that he questioned the complainant about the presence of anybody else at the time of acceptance of tainted cash by DGO. That he was told by the complainant that one Vijay

A handwritten signature in blue ink, consisting of a stylized 'D' with a horizontal line through it, and the number '3111' written below it.



who is Tax Collector in that office was present, so he secured the said Vijay and he got prepared rough sketch of the place of trap as per Ex P10. That he instructed Smt. Sudha the higher Officer of DGO to proceed to Lokayukta Police Station, City Division, Bengaluru and thereafter he brought the DGO to Lokayukta Police Station, City Division, Bengaluru along with his staff, complainant, shadow witness and panch witness.

PW4 further stated that he provided alternate shirt to DGO and seized the shirt of DGO. That at the time of pre-trap proceedings he had handed over a button camera to the complainant and he handed over the said button camera before him and he got transmitted the contents of the button camera into a compact disc and he played the same before Smt. Sudha who was present in Lokayukta Police Station, City Division, Bengaluru and made her witness the contents of the said camera and also hear the conversation which was recorded before pre-trap mahazar. That Smt. Sudha identified the voice of DGO which was recorded earlier to pre-trap mahazar and also identified the image of DGO which was recorded in the digital camera. That he secured report to that effect from Sudha as per Ex P11. That he seized the compact disc containing the contents of button camera. That on being enquired by him about the manner in which tainted notes were found in the left side pocket of shirt of DGO, DGO placed his statement in writing as per Ex P5. That after following the formalities of arrest he caused arrest of DGO he conducted trap mahazar in Lokayukta Police Station, City Division, Bengaluru as

  
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per Ex P2. In the course of trap mahazar he incorporated the brief statement of the complainant, shadow witness and Vijay.

PW4 further stated that he produced the DGO in the Home Office of 23<sup>rd</sup> Additional City Civil and Sessions Judge at Bengaluru. That on 11/06/2012 the complainant produced a letter of authorisation of Padmanabha Rao Bhosle before him as per Ex P12. That on 18/07/2012 he along with his staff, shadow witness and panch witness went to the office of DGO where Jagadeesh was found. That on his instructions, Jagadeesh opened the almirah inside which the file pertaining to the complainant was placed. Further stated that he obtained xerox copies of the file and got it certified and seized those sheets as per Ex P13. That he conducted a mahazar at that time as per Ex P6.

PW4 further stated that during investigation he consigned the material objects to the Chemical Examiner attached to Public Health Institute, Bengaluru and got returned those material objects along with the report of the Chemical Examiner as per Ex P14. That during investigation he recorded statements of witness and also further statement of the complainant. That he secured sketch of the place of trap from the Assistant Engineer attached No.6, Sub-Division, PWD, Bengaluru as per Ex P15. That he obtained the service particulars of DGO and the relevant records which were needed for preparing the final report. That on conclusion of investigation he obtained sanction for prosecution of DGO from the Competent Authority from his superior officer and

  
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thereafter he submitted charge sheet against the DGO in the Court of 23<sup>rd</sup> Additional City Civil and Sessions Judge, Bengaluru.

(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW4 to discredit his testimony or put forth his defence.

18. The DGO got him examined as DW1 and has filed his affidavit in lieu of his chief examination wherein he has reiterated the written statement averment. Further has got marked Certified copy of evidence of PW4 in Spl.CC No.35/2013 as ExD1 and Certified copy of judgement in Spl.CC No.35/2013 as ExD2.

19. On perusal of documents, evidence of P.W.1/complainant, P.W.2/ panch witness, PW3/Shadow witness and PW4/Investigating Officer it reveals that on 16/07/2012 PW1/ complainant appeared before him in Lokayukta Police Station, City Division, Bengaluru and returned the voice recorder and filed complaint as per Ex P1 stating that the DGO is demanding bribe of Rs 9,000/- for change of khatha of the house of his nephew and PW4/I.O. registered the case against the DGO in and secured PW/3shadow witness and PW2/panch witness and informed them the purpose for which they are secured and also introduced them to the complainant and made known the contents of the complaint.

  
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20. Further their evidence reveals that PW1 placed six currency notes of denomination of Rs.500/- each and 6 currency notes of denomination of Rs.1000/- each and thus in all a sum of Rs.9,000/- to lay the trap and PW4 got applied phenolphthalein powder on the above notes through his staff and on his instructions the panch witness placed the above tainted notes in the left side pocket of shirt of the complainant and PW4 he got prepared solution with water and sodium carbonate powder and after obtaining sample of the said solution in a bottle instructed the panch witness to immerse fingers of hands in the residual solution in response to which the panch witness immersed fingers of hands in the residual solution which consequently turned to pink colour and he seized the said wash in a bottle and PW4 got transmitted the contents of voice recorder to a compact disc and obtained the copy of the said compact disc and seized the original compact disc.

21. Further the evidence of PW1 & PW4 reveals that PW1 contacted the DGO over cell phone and PW4 recorded the said conversation in another mobile hand set and got transmitted the said conversation into a compact disc and seized the said compact disc and DGO informed the complainant to meet in his office situated in 12<sup>th</sup> floor of Utility Building near Mayo Hall, Bengaluru.

22. Further the evidence of PW4 reveals that he instructed the PW1 to approach the DGO and to give the above tainted notes only in case of demand by DGO and to give signal by wiping head with

  
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one of the hands in case of acceptance of tainted cash and instructed PW3 to accompany the complainant and to observe as to what transpires between the complainant and DGO and the evidence of PW1 to PW4 reveals that PW4 conducted pre-trap mahazar with respect to the above proceedings as per Ex P3.

23. Further the evidence of PW1 to PW4 reveals that later all of them left Lokayukta Police Station, City Division, Bengaluru and reached near the office of DGO at Utility Building, Bengaluru.

24. Further the evidence of PW2 & PW4 reveals that PW1 along with the PW3 proceeded to 12<sup>th</sup> floor of Utility Building and the others waited outside the BBMP office situated in 12<sup>th</sup> floor of Utility Building, Bengaluru.

25. Further the evidence of PW1 to PW4 reveals that PW1 came out of the office of DGO and gave and he along with his staff and PW4 along with panch witness entered the office of DGO where the complainant pointed out the DGO and told that DGO accepted tainted cash and after acceptance counted the same with both hands and placed the same in the left side pocket of shirt. Further their evidence reveals that PW4 disclosed his identity to DGO and informed the purpose of his visit and summoned one Udyakumar who is the higher officer of DGO and PW4 got prepared sodium carbonate solution in two bowls and took sample of the said solution in a bottle and got the left and right hand fingers of DGO

  
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immersed separately in the bowls and the solution in both the bowls turned to light pink colour and he seized those wash separately in two bottles. Further the evidence of PW1 to PW4 reveals that PW4 questioned the DGO about tainted cash and the DGO told him that tainted notes are inside the left side pocket of his shirt and on his instructions, PW3 removed cash of Rs.9,000/- from the left side pocket of shirt of DGO and the numbers of the said notes corresponded with the numbers mentioned in the pre-trap mahazar and PW4 seized the said tainted cash.

26. Further the evidence of PW1 to PW4 reveals that PW4 asked the DGO about the file of the complainant and DGO told him that he has already attended the said file and handed over to the Office Accountant by name Sri. Jagadeesh and since the said Jagadeesh was on leave and he came to know that four almirahs were under the control of Jagadeesh and they were locked, PW4 sealed those four almirahs and he secured attendance register maintained in that office as per Ex P9.

27. Further the evidence of PW1 to PW1 reveals that PW1 questioned the complainant about the presence of anybody else at the time of acceptance of tainted cash by DGO and he was told by PW1 that one Vijay who is Tax Collector in that office was present, so PW4 secured the said Vijay and got prepared rough sketch of the place of trap as per Ex P10.

  
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28. Further the evidence of PW4/I.O. reveals that PW4 instructed Smt. Sudha the higher Officer of DGO to proceed to Lokayukta Police Station, City Division, Bengaluru and thereafter he brought the DGO to Lokayukta Police Station, City Division, Bengaluru along with his staff, complainant, shadow witness and panch witness and he provided alternate shirt to DGO and seized the shirt of DGO and that at the time of pre-trap proceedings PW4 had handed over a button camera to the complainant and he handed over the said button camera before him and he got transmitted the contents of the button camera into a compact disc and he played the same before Smt. Sudha who was present in Lokayukta Police Station, City Division, Bengaluru and made her witness the contents of the said camera and also hear the conversation which was recorded before pre-trap mahazar and the said Smt. Sudha identified the voice of DGO which was recorded earlier to pre-trap mahazar and also identified the image of DGO which was recorded in the digital camera and he secured report to that effect from Sudha as per Ex P11 and seized the compact disc containing the contents of button camera and PW4 has taken the explanation of in writing as per Ex P5 and after following the formalities of arrest he conducted trap mahazar in Lokayukta Police Station, City Division, Bengaluru as per Ex P2. Further the evidence of PW4 reveals that on 11/06/2012 the complainant produced a letter of authorisation of Padmanabha Rao Bhosle before him as per Ex P12 and on 18/07/2012 he along with his staff, PW2 & PW3 went to the office of DGO where Jagadeesh was found and on his

  
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instructions, Jagadeesh opened the almirah inside which the file pertaining to the complainant was placed and he obtained xerox copies of the file and got it certified and seized those sheets as per Ex P13 and conducted a mahazar at that time as per Ex P6.

29. It is pertinent to note here that PW1 /complainant and PW3/ shadow witness have deposed that PW3 has not accompanied PW1 and PW3 was outside and he cannot say what conversation took place between DGO and PW-1. It is pertinent to note here that though PW3 has not heard the talk of PW1 and DGO, the evidence of PW1/ complainant is clear with respect to demand and acceptance of bribe by the DGO. Nothing material is elicited from cross examination of PW1 to discredit his testimony in this regard. Further nothing material is elicited from cross examination of PW1 PW3 by the DGO's counsel to discredit their testimony with respect to conducting pre-trap mahazar as per Exp3 and trap mahazar as per Exp2.

30. The defence of DGO is that on 16/07/2012, the complainant came to his table and asked for his khatha for which he replied that it is ready and asked him to collect it from the Revenue Officer. That in the mean time, the complainant tried to give him money for which he denied and at the same time he kept the said currency notes on his table

  
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and went away, by the time he could call him, the Lokayukta police came and caught hold of him. That the Lokayukta Police asked about the money and the complainant informed that the money is kept by him on the table. Later the Lokayukta police instructed him to collect the said currency notes and asked him to count the same. Accordingly, he took the money and counted it was Rs.9,000/- and handed it over to the police, thereafter his both the hand fingers were washed. That the Lokayukta Police forcefully got his statement which is not his voluntary statement. Further DGO has given explanation as per Exp5 with respect to possession of tainted notes wherein he has stated that on the day of trap PW1 came and enquired him about his work of change of khatha and he asked him to give bribe of Rs10,000/- and PW1 told that he will give Rs9,000/- and he accepted the same and at that time the Lokayukta police came and trapped him. From the above evidence it can be inferred that DGO has received Rs.9,000/- from the complainant on 16/07/2012. Further the contention of DGO is that it was given by force and it was kept on the drawer table and police have made him to count the amount and recovered from him. This fact is specifically denied by PW1/complainant and PW3/ shadow witness in their cross examination by the DGOs counsel and nothing is elicited from them in support of the defence of the DGO and to disbelieve the evidence of PW1 & PW3. As such it can be construed that it is the

  
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after thought of DGO to escape from the admission made in ExP5 and his evidence cannot be believed and except his self serving evidence he has not adduced clear, cogent and consistent evidence to prove his defence.

31. It is pertinent to note here that DGO has admitted that he has received Rs 9,000/- tainted notes from PW1 on that day as per ExP5. Further DGO except his self serving evidence he has not adduced clear, cogent and convincing evidence on his behalf to prove his defence. As such his defence cannot be believed and his explanation i.e., ExP5 clearly corroborate the case of the Disciplinary Authority.

32. It is sought to contend in the course of argument of DGO that DGO had already completed the work of the complainant and therefore the question of demand and acceptance of illegal gratification from the complainant is out of picture. At this juncture it needs to be remembered that nothing worthy is brought on record to hold that the complainant was very much aware that DGO had completed the work of the complainant on 11/07/2012 and therefore, it needs to be inferred that keeping the complainant under darkness of the completion of work DGO must have thought of demanding illegal gratification. It needs to be further remembered that even acceptance of cash even after completion of work attracts misconduct. It needs to be inferred that since the change of khatha of the property of the

  
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complainant's sister's son was attended by DGO he must have insisted to fulfill the demand for illegal gratification.

33. It is pertinent to note here that the complainant/PW-1 has produced the recordings of the conversation taken place between complainant and DGO prior to trap at the time of pre-trap mahazar conducted on 16/07/2022 and the transcription is marked as Ex.P-4. On perusal of the transcription of the voice recorder the conversation clearly goes to show the demand of Rs 9,000/- by the DGO from the complainant with respect to change of khatha of site No.251 (bearing old site Nos. 13 and 375) measuring 29X30 feet in B.B.M.P. Ward No. 89, Motappana Palya in Indiranagar at Bangalore, purchased by the complainant's sister's son namely, Sri.Padmanabh Rao Bhosle. Further the recordings at the time of trap proceedings is transcribed as per ExP4. This also reveal the demand and acceptance of amount by DGO from the complainant. The said recordings have been played before panchas and one Smt. Sudha who was present in Lokayukta Police Station, City Division, Bengaluru and made her witness the contents of the said camera and also hear the conversation which was recorded before pre-trap mahazar and the said Smt. Sudha identified the voice of DGO which was recorded earlier to pre-trap mahazar and also identified the image of DGO which was recorded in the digital camera and she has given report to that effect as per Ex P11. As such all these proceedings goes to show that the DGO has demanded bribe from the complainant.

  
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34. During evidence PW4 he has referred to Ex P2 to 4. It is in his evidence that on 16/07/2022 he conducted trap mahazar the attested copy of which is at Ex.P2 and during the said mahazar, he took the voice recorder from PW1 and he called one Smt. Sudha who was the higher officer of DGO and made her witness the contents of the said camera and also hear the conversation which was recorded before pre-trap mahazar and trap mahazar and the said Smt. Sudha identified the voice of DGO which was recorded earlier to pre-trap mahazar and also identified the image of DGO which was recorded in the digital camera and he secured report to that effect from Sudha as per Ex P11. That he burnt the conversation to CD and transcribed the same as per Ex.P-4. Cross examination of PW4 would show that he has not complied with the mandate of section 65-B of The Indian Evidence Act, 1872. It needs to be remembered at this juncture that while appreciating evidence in the inquiry proceedings of this nature strict compliance of the provisions of The Indian Evidence Act, 1872 is not required. Therefore, in the absence of compliance of the provisions of section 65-B of The Indian Evidence Act, 1872 contents of Ex P4 can be pressed into service in which it is seen that DGO demanded illegal gratification.

35. Nothing is found in the evidence of PW1 to PW3 that DGO herein was not found in possession of tainted cash. In these circumstances, the DGO has not lead clear, cogent and convincing evidence to lend assurance to the defence put forward by him and would not lend support to his defence.

  
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36. It is well settled that in the criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry of this nature. In order to establish the charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988, prosecution has to establish demand and acceptance of illegal gratification in order to extend official favour. Mere possession of tainted cash in the absence of demand will not attract the charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988. Evidence of PW1 establishes demand of bribe by DGO. Evidence of PWs 1 to 3 establishes possession of tainted cash by DGO. Evidence of PWs 1 to 4 establishes change of colour of finger wash of DGO and also recovery of tainted cash from the possession of DGO. Further Exp14 i.e., FSL report reveals the presence of phenolphthalein in the right and left hand wash of DGO and currency notes which corroborates the case of the disciplinary authority. Mere possession of tainted cash in the absence of satisfactory explanation attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. In the presence of evidence of PWs 1 to 4 as discussed above I am not persuaded to accept the defence put forward in the course of written statement and also contentions raised in the course of written argument of DGO.

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37. From the evidence of P.W.1 complainant, PW2 panch witness, PW3 shadow witness and PW4 Investigating Officer the disciplinary authority has proved the pre-trap mahazar proceedings as per Ex.P3 and trap proceedings as per Ex.P2. Except minor discrepancies which does not go to the root of the Disciplinary Authority case, nothing material is elicited from the cross examination of PW1 to PW4 to discredit their testimony with respect to conducting of trap proceedings i.e., Pre-trap mahazar Ex.P3 and post trap mahazar Ex.P2.

38. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W1 to PW4, Ex.P1 to ExP16, as reasoned above, proves that the DGO had demanded and accepted bribe of Rs.9,000/- from P.W.1/complainant on 16/07/2012. The disciplinary authority has proved the charges against the DGO. The DGO has committed misconduct, dereliction of duty acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of K.C.S. Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative**.

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

  
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**FINDINGS**

The disciplinary authority has proved the charges against the D.G.O.

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

**ANNEXURES**

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

PW1:- Sri. H.Prabhakar  
 PW2:- Sri. K.Thimmappa  
 PW3:- Sri. K.P.Mahalingaiah.  
 PW4:- Sri. Anil Kumar V.

List of witnesses examined on behalf DGO:-

DW1:- Sri. Rajendra (DGO)

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Certified copy of complaint dated 16/07/2012.
Ex P2	Certified copy of trap panchama dated 16/07/2012.
Ex P3	Certified copy of pre trap panchama dated 16/07/2012.
Ex P4	Certified copy of transcription version of DGO and complainant.
Ex.P5	Certified copy of statement of DGO dated 16/07/2012.

  
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Ex P6	Certified copy of panchama dated 18/07/2012.
Ex P7	Certified copy of FIR in Cr. No.62/2012.
Ex P8	Certified copy of I.D.card of DGO.
Ex 9	Certified copy of attendance registrar extract for the month of July 2012.
Ex 10	Certified copy rough sketch in Cr. No.62/2012
Ex P11	Certified copy of report of Smt.Sudha, Assistant Revenue Officer dated 16/07/2012.
Ex P12	Certified copy of authorisation letter dated 11/06/2012 of Padmanabha Rao Bhosle addressed to PW4.
Ex P13	Certified copies of documents pertaining to complainant.
ExP14	Certified copy of Chemical Examiner's Report dated 26/07/2012.
Ex P15	Certified copy of sketch from AE, No.6, Sub Division PWD, Bengaluru.
Ex P16	Certified copies of detail of call list.

List of documents marked on behalf of Defence:-

Ex D1	Certified copy of Evidence of PW4 in Spl.CC No.35/2013
Ex.D2	Certified copy of Judgment in Spl.CC No.35/2013 dated 04/09/2017 in the Court of LXXVII Addl. City Civil and Sessions Court and Special Court under P.C. Act, 1988, Bengaluru.



(J.P.Archana)

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