

KARNATAKA LOKAYUKTA

No. LOK/ARE-10/ENQ-270/2013.

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 08/10/2021.

ENQUIRY REPORT

Present : Sri. **G. Nanjundiah**
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore.

Sub: Departmental Enquiry against
DGO **Smt. M. Savithri**, Senior Assistant
Public Prosecutor, Principal CJM Court,
Chikkamagalur (working then as Senior
Assistant Public Prosecutor, CJM Court,
Shimoga **now Retired**) – Reg.

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD/73/2010/ARLO-1
dt. 11.01.2013.
2. Govt. Order No. HD 91 PPE 2013
Bengaluru dated 12/06/2013.
3. Nomination Order by Hon'ble Upalokayukta-
II dt. 27.06.2013.
4. As per O.M. No. ಕಲೋ/ಸಿಬ್ಬಂದಿ-1/54/2013-14 of
Registrar, Karnataka Lokayukta, Bengaluru
dated 14/03/2014.
5. KAT Application No. 5780/2015.

1. One Sri. M. Lokesh Isuru, Advocate in Shimoga filed a
complaint alleging that he had moved a bail application in the

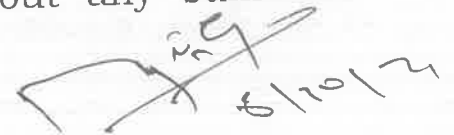
D. S. S.
8/10/21

CJM Court, Shimoga on behalf of one Sri. Vijaykumar who was in judicial custody. He served the bail application copy on the DGO/respondent, who was then working as Sr. Asst. Public Prosecutor in the said court and met her on 3.7.2009 with a request to file objections if any. For that, the DGO put forth demand of bribe of Rs. 500/-. Complainant was not willing to pay the said bribe. Hence, he approached the Lokayukta Police at Shimoga and filed his complaint on 4.7.2009. On the basis of the said complaint, a case was registered at Cr. No. 7/2009 for the offences punishable u/s 7 of PC Act and an FIR was submitted to the Court. Thereafter the IO held the pre trap formalities and prepared the entrustment mahazar in presence of panchas, then held the trap on the same day (4.7.2009) in presence of shadow witness and panch, which was successful. DGO was found demanding and accepting bribe of Rs. 500/- from the complainant for doing an official act. IO after attending the post trap formalities seized the material objects including the bait amount, subjected them for chemical examination, recorded the statement of the witnesses. DGO also gave her statement.

2. On the basis of the material placed by the ADGP, Karnataka Lokayukta, accompanied with IO report, (charge sheet copy), a complaint was registered against the DGO at Compt/Uplok/BD/73/2010. Then the observation note was

sent to the DGO (respondent) on 16.8.2010. DGO sent her reply to the observation note. As there were no convincing reasons or grounds to drop the proceedings, after the completion of the investigation, a report u/s 12(3) of the Karnataka Lokayukta Act was sent to the Government on 11.1.2013 as per reference No. 1. The Government was pleased to issue the G.O. on 12.6.2013 entrusting the enquiry to Hon'ble Upalokayukta as per reference No. 2. On the basis of the G.O., Hon'ble Upalokayukta issued the nomination dt. 27.6.2013 authorizing ARE-4 to conduct enquiry and report as per reference No. 3. In view of the transfer of cases, second nomination was issued on 14.3.2014 authorizing ARE-10 to hold enquiry and report as per reference No. 4.

3. On the basis of the nomination, ARE-4 framed the articles of charges on 3.8.2013 and sent it to DGO. The AOC were served on the DGO on 13.9.2013. DGO requested for time for her appearance on medical grounds on 27.9.2013, then on 24.10.2013. Thereafter also failed to appear before the enquiry officer. Hence, first oral statement is not recorded. Then a fresh summons cum notice was issued to the DGO for her appearance without fail on 21.1.2014, which was duly served on the DGO on 28.2.2014. In spite of the due service of the notice/summons wherein date for appearance was mentioned as 12.5.2014, DGO failed to appear without any sufficient

 6/10/24

reason or cause. As the absence of the DGO did not appear to be bonafide and reasonable, DGO was **placed exparte** under Rule 11(11) of KCS(CCA) Rules 1957.

4. After completion of the enquiry report was submitted to Hon'ble Upalokayukta made recommendation to the Government on 27/01/2015 recommending major penalty of dismissal of DGO) which shall disqualify for future employment in terms of provisions of Rule 8 (viii) of the KCS (CCA) rules, 1957. Accordingly, Government on 24.07.2015 issued Government Order Dismissing the DGO from service.

5. The DGO Smt. Savithri M. Senior Assistant Public Prosecutor had filed application No. 5780/2015 in KAT challenging the dismissal from the Government Service. After hearing both the side the Hon'ble KAT on 03.08.2016 allowed the application and quashed the Government Order regarding dismissal of DGO from service and directed to conduct fresh enquiry as per Article of Charge dated 03.08.2013.

ANNEXURE NO. 1
CHARGE

That you DGO Smt. M. Savithri, Sr. Assistant Public Prosecutor, Principal CJM Court, Chikmagalur (working then as Sr. Asst. Public Prosecutor, CJM Court, Shimoga) Sri. M.

Lokesh Isuru Advocate, Resident of Channappa Layout in Shimoga (hereinafter referred to as complainant) approached you DGO on 3.7.2009, as he had moved bail application in the court on behalf of one Sri. Vijaykumar who was in judicial custody and requested to file objections to the said bail application. Then, you DGO demanded Rs. 500/- from the complainant and received the bribe amount of Rs. 500/- on 4.7.2009 in your office situated at court campus in Shimoga, thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government servant and thereby committed mis conduct as enumerated U/R 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

ANNEXURE NO. II STATEMENT OF IMPUTATIONS OF MISCONDUCT

Complainant Sri. **M. Lokesh Isuru**, Advocate, Resident of Channappa Layout in Shimoga approached the DGO on 3.7.2009, as he had moved bail application in the court on behalf of one, Sri. Vijaykumar who was in judicial custody and requested to file objections to the said bail application for which the DGO demanded Rs. 500/- from the complainant. The complainant was not willing to pay bribe amount of Rs. 500/- to the DGO and hence, he approached the Lokayukta Police Inspector, Shimoga (hereinafter referred to as the investigating officer, for short IO) and case was registered against the DGO in Cr. No. 7/2009 for the offences punishable

under section 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988 and took up investigation and on 4.7.2009, the complainant met the DGO and the DGO demanded and accepted bribe amount of Rs. 500/- in her office situated at Court campus, Shimoga. That, the DGO was caught hold with the tainted (bribe) amount on the said date and place the same was seized under a mahazar by the IO. Added to that, DGO has failed to give any satisfactory account or explanation or reply for the said tainted (bribe) amount found with her when questioned by the IO. Further there are statements of witnesses, including complainant and concerned records collected and filed by the said IO, which show the said repeated misconduct by the DGO.

Said facts supported by the material on record show that the DGO, being a public/Government servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a public/Government servant, and thereby committed misconduct and made himself liable for disciplinary action. Therefore, an investigation was taken up against the DGO in the manner. For that, DGO gave her reply. However, the same have not been found convincing to stay or drop the proceedings. Since, said facts and material on record prima facie show that the DGO has committed misconduct as per Rule 3(1) of KCS (Conduct) Rules 1966, a report under

section 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate the disciplinary proceedings against the DGO. Accordingly, the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta U/R 14A of KCS (CCA) Rules. **Hence, the charge.**

6. As the DGO failed to appear before the enquiry officer, to prove the charge, the presenting officer examined in all three witnesses as PW 1 to 3 and got marked Ex. P1 to P9. After the close of the case by the Disciplinary Authority, an opportunity was given to DGO for appearance.

7. As per orders of Hon'ble KAT dated 03.08.2016 in application No. 5780/2015 fresh enquiry was conducted against the DGO Smt. Savithri M, Senior Assistant Public Prosecutor, filed Written Statement on 16.10.2017 denying the charge against her and Second Oral Statement was recorded on 06.02.2021 and filled written argument on 25.08.2021.

8. In view of the above said facts, the points that now arises for my consideration are as under:

- i. Whether the Disciplinary Authority proved the charge against DGO.
- ii. To what order.

9. In view of the reasons given by me in the forgoing paragraphs, my finding on point No. 1 is in **Affirmative**. Point no. 2 as per **final order**.

REASONS

10. It is the case of the Disciplinary Authority that when the complainant Sri. M. Lokesh Isuru, advocate practicing in Shimoga approached DGO on 3.7.2009 requesting the DGO who was then working as Sr.APP, attached to CJM Court, Shimoga to file objections, if any to the bail application moved by the complainant at Cr. No. 244/2009 of Shimoga Rural Police Station registered against one Sri.Vijaykumar, who was then in judicial custody, the DGO put forth demand of bribe of Rs. 500/- to file her objections. As the complainant was not willing to pay the bribe, he filed a complaint before the Shimoga Lokayukta Police on 4.7.2009. Then the trap was held on the same day, which was successful. DGO was found demanding and accepting the bribe from the complainant at her chamber in the court premises.

11. In order to substantiate the said allegations, Disciplinary Authority relied on the evidence of PW1, complainant, advocate by profession, PW2 shadow witness cum panch witness for both pre trap and post trap mahazar and PW3 investigating officer, Ex P1 Complaint, Ex.P2 pre trap entrustment mahazar, Ex P3 Trap Mahazar, Ex. P4 copy of the bail application, Ex P5 Vakalathnamma, Ex P6 statement given by the DGO before the IO.

12. On going through the evidence of PW1, according to him, he being a practicing advocate at Shimoga moved the bail application on behalf of his client Sri. Vijaykumar who was in judicial custody pertaining to crime No. 244/2009 of Shimogga Rural Police Station on 2.7.2009. He served the bail application copy on the DGO who was then working as Sr. APP at CJM Court, Shimogga. Copy of the bail application is produced marked at Ex. P4. There is an endorsement made by the DGO that she received the copy of the bail application, but prayed for time to file objection.

13. On 3.7.2009, complainant met the DGO and requested her to file objection. For that DgO put forth demand of bribe of Rs. 500/-. Complainant was not willing to pay the same. Hence he approached Shimoga Lokayukta Police and filed his complaint on the same day as per Ex. P1. On the basis of the Ex. P1, a

case was registered at Cr. No. 7/2009. Further, PW1 says IO PW3 secured two panch witnesses by name Sri. Poornachandra and Sri. G. Girish. They were introduced to him. Then this PW1 narrated his complaint allegations before them and produced the bait amount of Rs. 500/- one currency note, panchas noted down the number of the currency note, then after the application of phenolphthalein powder by the IO panch Sri. Girish kept that note in the shirt pocket of the complainant PW1.

14. Further PW1 says when the hand wash of panch Sri. Girish was taken, it turned into pink. According to PW1, IO PW3 directed PW2 Sri. Poornachandra to accompany him as shadow witness and IO gave him instruction in case if DGO put forth the demand of bribe and accepted the bribe, PW1 has to give signal by removing his coat and put it on his hand. In that regard, a pre trap entrustment mahazar Ex P2 was drawn at the Police Station.

15. Further PW 1 says himself and PW2 proceeded to the chambers of the DGO situated in the court complex of Shimoga. He met the DGO and requested her to file her objection, for that DGO again put forth demand of bribe. As he had no other go, but to pay the bribe to the DGO at about 2.45

p.m. DGO received it, kept it in her vanity bag. Then he came out of the chambers of the DGO, gave signal to the IO.

16. Further PW1 says the IO PW3 came to the spot along with another panch. When IO questioned him, he stated before PW3 that on demand made by the DGO, he gave Rs. 500/- bribe to her and she received it and kept it in her vanity bag. PW3 introduced himself to the DGO, then caught hold of the hands of the DGO through his staff. When hand wash of the DGO was taken, it turned into pink. Then with the assistance of the panch, the bait amount was got removed from the vanity bag of the DGO. When note number was compared, it tallied with the number noted in Ex P2. IO took the photographs of the proceedings, then seized the articles and wrote the mahazar as per Ex 3, then took the custody of the DGO. He identified the copy of his bail application and his vakalathnama Ex P4 and Ex P5. Further he says DGO gave her statement as per Ex P6.

17. On 30.05.2019 PW-1 was recalled and Cross examined by Defense Assistant for DGO, nothing was elicited during cross-examination of PW-1. Later on complainant expired. The evidence of this PW1 finds full corroboration with the contents of undisputed documents at Ex P 1 to P 6.

18. PW2 is the panch cum shadow witness. He has corroborated the evidence of PW1 on all the material facts. According to him, on 4.7.2009, Shimoga Lokayukta Police called him to the Police Station, he went along with another panch Sri. Girish, there he saw the complainant. Complainant narrated before them that DGO was demanding bribe of Rs. 500/- to file objection to the bail application. Then complainant produced one Rs. 500/- note, they noted down the note number after applying phenolphthalein powder. Panch Sri. Girish kept it in his pocket. When the hand wash of Sri. Girish was taken, it turned into pink. Further PW2 says IO instructed him to accompany the complainant PW1 as shadow witness. IO gave instruction to the complainant in case if DGO demands and accepts the bribe, he had to give signal by removing his coat and keeping it on his hand. In that regard, pre trap mahazar Ex P 2 was drawn in the Police Station.

19. Further PW2 says, himself and complainant met the DGO at her chamber in the Shimoga court complex on that day. Complainant asked the DGO whether her objections were ready for the bail application, DGO put forth demand of bribe. Complainant paid Rs. 500/- to DGO in his presence. DGO received it and kept it in her vanity bag. Then complainant gave signal to the police.

20. Further PW 2 says IO PW3 came to the spot along with other panch witness and disclosed his identity. This PW2 and PW1 told before the IO that DGO demanded the bribe and accepted the bribe and it was in her vanity bag. IO took the hand wash of the DGO, it turned into pink. Then on the search of the vanity bag, tainted bribe amount of Rs. 500/- was found. It was seized. When the note number was compared, it tallied with the number noted in Ex P2. Then the IO prepared the trap mahazar as per Ex P3 in his presence and seized all the articles. DGO gave her statement as per Exp6 in his presence before the IO.

21. The evidence of this PW2 also finds corroboration with the contents of Ex P2 and P3 on all the material facts. During the cross-examination of PW-2 on 07.01.2019 nothing important was elicited by the Defense Assistant to DGO.

22. PW 3 is the IO. According to him, on 4.7.2009, complainant PW 1 appeared before him and filed a complaint as per Ex P1. He registered the case, then he secured two panch witnesses PW2 and one Sri. Girish. Complainant narrated his complaint allegations before the panchas and produced one Rs. 500/- note. The note number was noted by the panchas after application of phenolphthalein powder, that note was kept in

the shirt pocket of the complainant by panch Sri. Girish, then he took the hand wash of Sri. Girish, it turned into pink. Then he gave instruction to PW2 to accompany the complainant as shadow witness and also instructed the complainant to give signal by removing his coat and keeping it on his hand in case if DGO demands and accepts the bribe. In that regard, he prepared the mahazar as per Ex P2.

23. Further PW3 says that himself, complainant, panch witnesses proceeded to Shimoga Court Complex. He stopped the vehicle at a distance. PW 1 and 2 got down from his jeep, went to court complex to meet the DGO. At about 2.45 pm, he received the signal from the complainant as suggested earlier. Then himself another panch Sri. Girish proceeded to the spot. When he questioned the complainant and PW2, shadow witness, they narrated before him on demand made by the DGO, PW1 gave Rs. 500/- bribe to DGO, DGO received it with her hands, kept it in her vanity bag. He disclosed his identity to the DGO, then with the help of his staff, he caught hold of the hands of the DGO. When the hand wash of DGO was taken, it turned into pink. On questioning, DGO gave her statement as per Exp6. Then with the help of the panchas, he got removed the bait amount from the vanity bag of the DGO. When he compared the note number, it tallied with the number noted in Ex P2. Then he seized the said bait amount and other

articles at the spot, prepared the mahazar as per Ex P3 in presence of panchas, complainant and shadow witness. He took the photographs of the proceedings. Then took the copy of the bail application, Vakalathnama as per Ex P4 and P5. He took the custody of the DGO and returned back to Police Station. He recorded the statement of the witnesses, then after completion of the investigation submitted the charge sheet against the DGO.

24. The evidence of PW3 which finds full corroboration with independent witnesses PW1 and 2 on all the material facts deserve to be believed in toto. During the Cross-examination of PW-3 by the Advocate for DGO nothing was elicited. I.O. sent requisition/submission letter dated 4.7.2009 in respect of correct name of DGO and for identification purpose as per Ex. **P-7**. It is false to suggest that on enquiry DGO told that in her absence somebody might have put the money in her vanity bag. Xerox 10 photos and for identification purpose, same are marked collectively as per Ex. **P-8**. On 2.07.2009 DGO was produced before the court and as per remand application JC was extended, the copy of remand application and for identification purpose marked as Ex. **P-9**.

25. DGO Smt. M. Savithri, Senior Assistant Public Prosecutor herself examined as DW-1 and got marked Ex. **D-1 to D-9**. On

04.09.2009 when she was working as Senior Assistant Public Prosecutor in Shimogga Court, on 02.07.2009 one Advocate came and gave an application and as per Ex. P-4 she wrote 'prays time' and it was posted to 15.07.2009. To the said bail application filed objection and was posted for orders. On 04.07.2009 at about 1-30 she was having lunch, one Advocate came there. She told that she would come within 10-15 minutes after finishing lunch. When she was sitting in her chamber at 2.00 P.M. 4 - 5 persons came and enquired about money and she asked which money, then complainant came and showed money in her purse and conducted mahazar.

Ex. D-1 is Copy of FIR, Ex. D-2 Certified Copy of order Sheet in Crime No. 278/2009, Ex. D-3 Copy of the FIR and complaint in Cr. No. 7/2009, Ex. D-4 Copy of FIR, complaint and charge sheet in Cr. No. 48/2010, Ex. D-5 Copy of FIR, Complaint and Charge sheet in Cr. No. 42/2010, EX. D-6 Copy of complaint in Crime No. 08/2012 under Section 202, Ex. D-7 Copy of argument letter, written brief in Cr. No. 488/2010, Ex. D-8 Certified Copy of judgment in SPL (PC1/2010) and Ex. D-9 Copy of Letter of Government stating that it is not a fit case to prefer appeal.

During the course of Cross-examination of DW-1/DGO by the Presenting Officer on 07.04.2021 and 25.08.2021 following is elicited:-

“ ಪ್ರಶ್ನೆ : ನನ್ನ ಬ್ಯಾಗಿನಲ್ಲಿದ್ದ 500/- ರೂಗಳನ್ನು ಪೊಲೀಸರು ಜಪ್ತಿ ಮಾಡಿದರು?
ಉತ್ತರ : ದೂರುದಾರರ ಹೇಳಿಕೆ ಮೇರೆಗೆ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು ಬ್ಯಾಗಿನಲ್ಲಿದ್ದ 500/-
ರೂಗಳನ್ನು ಜಪ್ತಿಪಡಿಸಿದರು”.

“ ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಾನು ಸೇವೆಯಿಂದ 10 ತಿಂಗಳ
ಕಾಲ ಅಮಾನತ್ತುಗೊಂಡಿರುತ್ತೇನೆ”.

“ ಸದರಿ ಇಲಾಖಾ ವಿಚಾರಣಾ ಪ್ರಕರಣದಲ್ಲಿ 10.10.2013 ರಂದು
ನೋಟಿಸ್ ಜಾರಿಯಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ನೋಟಿಸ್ ಜಾರಿಯಾದ ನಂತರ
06 ತಿಂಗಳ ಕಾಲಾವಕಾಶ ಕೇಳಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿ. ಆರೋಗ್ಯ ಸರಿಯಿಲ್ಲದೆ
ಶಸ್ತಿಚಿಕಿತ್ಸೆ ಆಗಿದ್ದು, ಸದರಿ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ 06 ತಿಂಗಳ ಸಮಯಾವಕಾಶ
ಕೋರಿದ್ದು, 2013 ರಿಂದ 2017 ಮೇ ರವರೆಗೆ ಹಾಜರಾಗಿರುವುದಿಲ್ಲ ಎಂದರೆ
ಸರಿ”.

26. PW 1 to 3 have categorically stated about the pre trap entrustment mahazar and post trap mahazar proceedings. DGO was caught red handed, while demanding and accepting bribe of Rs.500/-. The evidence of PW-1 to 3 finds full corroboration with the contents of the undisputed documents Ex.P1 to P9.

27. I have gone through the cross examination offered to these PW 1 to 3 nothing is extracted in their cross examination so as to discard their sworn testimony. There is no personal ill will or grudge between PW 1, 2 and 3 and this DGO. The strange suggestion is made by the DGO to PW 1 that while she was having lunch Rs. 500/- was put into her vanity bag. As per the evidence led by Disciplinary Authority, amount was found in the vanity bag. So the defense in my view does not hold much force. So DGO wants to blow hot and cold with regard to the bait amount found in her possession or in her vanity bag for the reasons best known to her.

28. As already stated by me above, there is consistency in the evidence of PW 1 to 3 on all the material facts. There is nothing to discard their sworn testimony. It is the quality of evidence that is more important than of the quantity. Against the unimpeachable evidence led by the Disciplinary Authority through PW 1 to 3, the defense set out by DGO appears to be unnatural and unbelievable one. Now, there is sufficient material and evidence both oral and documentary placed by the Disciplinary Authority supporting the charge which clearly establishes the charges against the DGO. There is material placed by the Disciplinary Authority to show that this DGO was then working as Sr. APP in CJM Court, Shimoga, As a Government servant she had to discharge her official function

of filing objection to the bail application moved by the complainant, an advocate by profession. DGO put forth demand of bribe of Rs. 500/- and accepted the same on 4.7.2009.

DGO Retired on 31.05.2018.

29. Under the circumstances, I find there is sufficient evidence placed by the Disciplinary Authority to prove the demand and acceptance of bribe and that bribe amount was seized from the possession of the DGO. As the Disciplinary Authority is successful in establishing the charge against the DGO, I answer point No. 1 in **Affirmative** and proceed to pass the following

FINDING

Disciplinary Authority has proved the charge as framed against the DGO **Smt. M. Savithri**, Senior Assistant Public Prosecutor, Principal CJM Court, Chikmagalur working then as Senior Asst. Public Prosecutor, CJM Court, Shimoga.

Hence, this report is submitted to Hon'ble Upalokayukta-II for kind consideration.

Dated this the **08th October** of 2021


(G. Nanjundiah)

Additional Registrar Enquiries-10,
Karnataka Lokayukta,
Bangalore.

ANNEXURES**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :- Sri. Lokesh Isuru
PW-2 :- Sri. Poornachandra
PW-3:- Sri. M.N. Karibasavana Gowda

LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:

DW-1 :- Smt. M. Savithri, Senior Assistant Public Prosecutor (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

Ex. P 1 :- Complaint dt. 4.7.2009
Ex. P 2 :- Pre trap /entrustment mahazar dt. 4.7.2009
Ex. P 3 :- Trap mahazar dt. 4.7.2009
Ex. P 4 :- Copy of bail application
Ex. P 5 :- Vakalath memo dt. 2.7.2009
Ex. P 6 :- Statement of DGO dt. 4.7.2009
Ex. P 7:- Xerox letter of I.O.'s requisition/submission letter dated
4.7.2009 in respect of correct name of DGO
Ex. P 8:- 10 xerox photos.
Ex. P 9:- the copy of remand application

LIST OF EXHIBITS MARKED ON BEHALF OF DGO

Ex. D 1:- Copy of FIR,
Ex. D 2:- Certified Copy of order Sheet in Crime No. 278/2009
Ex. D 3:- Copy of the FIR and complaint in Cr. No. 7/2009
Ex. D 4:- D-4 Copy of FIR, complaint and charge sheet in
Cr. No. 48/2010

Ex. D5:- Copy of FIR, Complaint and Charge sheet in Cr.
No. 42/2010

Ex. D 6:- Copy of complaint in Crime No. 08/2012

Ex. D 7:- Copy of argument letter, written brief in Cr. No.
488/2010

Ex. D 8:- Certified Copy of judgment in SPL (PC1/2010)

Ex. D 9:- Copy of Letter of Government stating that it is not a fit
case to prefer appeal.

Dated this the **08th October 2021.**


(G. Nanjundaiah)

Additional Registrar Enquiries-10,
Karnataka Lokayukta,
Bangalore.



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/270/2013/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 11.10.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Smt.M.Savithri, the then Senior Assistant Public Prosecutor, (Retired) CJM Court, Shimoga- reg.

Ref:- 1) Government Order No.HD 91 PPE 2013 dated 12.06.2013.

2) Nomination order No. LOK/INQ/14-A/270/2013 dated 27.06.2013 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 08.10.2021 of Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 12.06.2013 initiated the disciplinary proceedings against Smt.M.Savithri, the then Senior Assistant Public Prosecutor, (Retired) CJM Court, Shimoga, [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination LOK/INQ/14-A/270/2013 dated 27.06.2013 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 her. Subsequently, as per order dated 14.03.2014, the Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, was re-nominated as the Inquiry Officer to continue the said departmental inquiry.

3. The DGO was tried for the following charges:-


“ That you DGO by name Smt.M.Savithri, the then Senior Assistant Public Prosecutor, (Retired) CJM Court, Shimoga Sri M.Lokesh Isuru, Advocate, resident of Channappa Layout in Shimoga approached you DGO on 03.07.2009, as he had moved bail application in the court on behalf of one Sri Vijayakumar who was in judicial custody and requested to file objections to the said bail application, then you DGO demanded Rs.500/- from the complainant and received the briber amount of Rs.500/- on 04.07.2009 in your office situated at court campus in Shimoga, thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated under Rule 3(1) (i) to (iii) of KCS(Conduct) Rules, 1966.”



4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Smt.M.Savithri, the then Senior Assistant Public Prosecutor, (Retired) CJM Court, Shimoga, is 'proved'.
5. On re-consideration of report of inquiry and all other materials on record, 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 Enquiry Officer.
6. As per the information furnished by the Enquiry Officer, the DGO Smt.M.Savithri, has retired from service on 31.05.2018.
7. Having regard to the nature of charge(demand and acceptance of bribe) 'proved' against the DGO and considering the totality of circumstances, it is hereby recommended to the Competent Authority to impose penalty of " permanently withholding 30% of pension payable to DGO Smt.M.Savithri, the then Senior Assistant Public Prosecutor, (Retired) CJM Court, Shimoga".

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

Connected records are enclosed herewith.

 11/10/21  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*