



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.336/2015/ARE-3

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 07.01.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Shri Puttaswamy,  
Panchayath Development Officer, Hiriyyuru Gram  
Panchayath, Arasikere Taluk, Hassan Dist. - reg.

Ref:- 1) Proceedings Order No. RDP 274 GPS 2015  
dated 12.06.2015.

2) Nomination order No. UPLOK-  
2/DE.336/2015 dated 22.06.2015 of  
Upalokayukta, State of Karnataka.

3) Inquiry report dated 06.01.2021 of  
Additional Registrar of Enquiries-3, Karnataka  
Lokayukta, Bengaluru.

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The Government by its order dated 12.06.2015 initiated the disciplinary proceedings against Shri Puttaswamy, Panchayath Development Officer, Hiriyyuru Gram Panchayath, Arasikere Taluk, Hassan Dist., [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE.336/2015 dated 22.06.2015 nominated Additional Registrar of Enquiries-3, 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.

3. The DGO - Shri Puttaswamy, Panchayath Development Officer, Hiriyyuru Gram Panchayath, Arasikere Taluk, Hassan Dist., was tried for the following charges :-

“That, you-DGO Shri Puttaswamy, Panchayath Development Officer, Hiriyyuru Gram Panchayath, Arasikere Taluk, Hassan Dist. while working as such:

- (a) On 08/07/2014, the complainant contacted you from his cell phone to your cell phone and requested you for allotment of Janatha House in the name of his wife, but you directed him to meet him near the Arasikere Bus-station. As per your instruction, complainant came to the said place and enquired you about allotment of house in favour of his wife, you demanded bribe amount of Rs.3000/- for allotment of house and issue of work order in the name of wife of complainant.
- (b) Thereafter, on 10.7.2014 at about 9.50 a.m. you received the bribe amount of RS.3000/- from the complainant in the presence of shadow witness by name Sri Jayanna s/o Thimmegowda at New Krishna Vihar Hotel, situated at Railway Station road, Arasikere, Hassan District.

(c) Then, you were caught hold/trapped when found in possession of the tainted (bribe) amount on the said date and said place, and the same was seized under a mahazar by the said I.O. in the presence of shadow witness.

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

and thereby you failed to maintain absolute integrity and devotion to duty, and committed an act which is un-becoming of a Government servant and thus you are guilty of misconduct U/R 3(1)(i) to (iii) of Karnataka civil Service (conduct) Rules 1966. ”

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Shri Puttaswamy, Panchayath Development Officer, Hiriyuru Gram Panchayath, Arasikere Taluk, Hassan Dist., 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 Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri Puttaswamy, has retired from service on 30.09.2016.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Shri Puttaswamy, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of ' permanently withholding 50% of pension payable to DGO Shri Puttaswamy. '

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL) 7/1/21  
Upalokayukta,  
State of Karnataka.

BS\*

**KARNATAKA LOKAYUKTA**

No:Uplok-2/DE-336/2015/ARE-3

M.S. Building,  
Dr. Ambedkar Veedhi,  
Bangalore,  
Dated: 06-01-2021**ENQUIRY REPORT**

Present: Smt.H.G.Vijaya Kumari,  
Additional Registrar Enquiries-3,  
Karnataka Lokayukta,  
Bengaluru.

Sub: Departmental Inquiry against  
Sri Putaswamy, Panchayath Development  
Officer, Hiriyutu Grama Panchayathi, Arasikere  
taluk, Hassan district -reg

Ref: (1) Government Order No.Gra Aa Pa 274  
Gra.Pam.Ka 2015 Bengaluru dt.12-06-2015

(2) Nomination Order No.Uplok-2/DE-336/2015  
Bengaluru Dated 22-06-2015

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**Preamble:**

1. This is a Departmental Enquiry directed on the basis of  
Government Order No. Gra.Aa.Pa 274 Gra.Pam.Ka. 2015  
Bangalore dt.12-06-2015 against Sri Puttaswamy,  
Panchayath Development Officer, Hriyuru Grama

*Handwritten signature and date:*  
8/1/2021

Panchayathi, Arasikere taluk, Hassan district (herein after referred to as Delinquent Government Official, in short 'DGO')

2. The Hon'ble Upalokayukta-2 has nominated Additional Registrar of Enquiries-3, of the office of the Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO as per the nomination order dated 22-06-2015 Accordingly, Articles of Charge was framed by Additional Registrar Enquires-3.

**Summary of charge:-**

**The Articles of Charges framed against the D.G.O. is extracted here below;**

That you DGO Sri Puttaswamy, Panchayath Development Officer, Hiriyr Grama Panchayath, Banawara Hobli, Arasikere Taluk, Hassan Distrcit, while working as such;

- (a) On 08-07-2014 the complainant contacted you from his cell phone to your cell phone and requested you for allotment of Janatha House in the name of his wife, but you directed him to meet him near Arasikere

Bus Station. As per your instruction, complainant came to the said place and enquired you about allotment of house in favour of his wife, you demanded bribe amount of Rs.3,000/- for allotment of house and issue of work order in the name of wife of complainant.

(b) Thereafter, on 10-07-2014 at about 09-50 a.m. you received the bribe amount of Rs.3,000/- from the complainant in the presence of shadow witness by name Sri Jayanna s/o Thimmegowda at New Krishna Vihar Hotel, situated at Railway Station road, Arasikere, Hassan District.

(c) Then, you were caught hold/trapped when found in possession of the tainted (bribe) amount on the said date and said place, and the same was seized under a mahazar by the said I.O. in the presence of shadow witness.

(d) Added to that, you failed to give any satisfactory account or explanation or reply for the said tainted amount (found with you) then, when questioned by

the said I.O.  
*[Signature]*

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 K.C.S. (Conduct) Rules, 1966.

**STATEMENT OF IMPUTATION OF MISCONDUCT IS AS FOLLOWS:-**

On the basis of a report of the Additional Director General of Police in Karnataka Lokayukta at Bangalore, along with investigation papers filed by the Police Inspector in Karnataka Lokayukta at Hassan (hereinafter referred to as Investigating Officer -I.O. for short), alleging that Sri Puttaswamy, Panchayath Development Officer, Hiriya Grama Panchayath, Banawara Hobli, Arasikere Taluk, Hassan District, being a Public/Government servant, has committed misconduct, when approached by Sri B.V.Thammaiah S/o Late Venkataswamy, Bhairagondanahalli Bhoi Colony, Banawara Hobli, Arasikere taluk, Hassan District (hereinafter referred to as 'Complainant')for short.

Brief facts of the case are:

- (a) The complainant alleged that, on 03-07-2014 he had submitted an application in the name of his wife by

*Me/1/27*



name Smt.Sharadamma to the Grama Panchayath, Hiriyyur for allotment of Janatha House in her name. On 08-07-2014 the complainant contacted the DGO from his cell phone to the DGO's cell phone and requested the DGO, but the DGO directed him to meet him near the Arasikere Bus Station. As per the instruction of DGO, complainant went to the said place and enquired the DGO about allotment of house in favour of his wife, however, the DGO demanded bribe amount of Rs.3,000/- for allotment of house and issue of work order in the name of wife of complainant.

(b) Since, the complainant was not willing to pay the said amount he approached Police Inspector, Karnataka Lokayukta, Hassan on 09-07-2014 at about 9-30 a.m. and lodged the complaint. The Police Inspector of Lokayukta, Hassan registered a case against the DGO in Crime No.11/2014 for the offences punishable under section 7,13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988.

(c) Thereafter, on 10-07-2014 at about 9-50 a.m., the DGO received the bribe amount of Rs.3,000/- from the complainant in the presence of shadow witness by name Sri Jayanna s/o Thimmegowda, Warden, Pre-  
16/1/2014

Metric Students Hostel, Muthige Hirehalli, Hassan taluk at New Krishna Vihar Hotel, situated at Railway Station, Arasikere, Hassan District.

- (d) Then, the DGO caught hold/trapped when found in possession of the tainted (bribe) amount on the said date at said place, and the same was seized under a mahazar by the said I.O. in the presence of shadow witness.
- (e) Added to that, the DGO had failed to give any satisfactory account or explanation or reply for the said tainted amount (found with him) then, when questioned by the said I.O.
- (f) Even there are statements of witnesses, including complainant, besides material and records filed by the said I.O., in connection with his said repeated misconduct.

These facts are supported by the material on record which prima facie show that the DGO, being a Public/Government Servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner of unbecoming of a Public/Government Servant, and thereby committed misconduct and made himself liable for disciplinary action.

*M. N. N.*

Therefore, an investigation was taken up against the DGO and an observation note was sent to him to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him in connection with his misconduct. Though DGO gave his reply, however, the same is not convincing to drop the proceedings.

Since the facts and material on record prima facie show that the DGO has committed misconduct within the meaning of Rule 3(1) of the K.C.S. (Conduct) Rules, 1966, recommendation was made under section 12(3) of 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.

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.

3. DGO appeared before Enquiring Authority in pursuance to service of Articles of Charge.

4. First oral statement was recorded wherein D.G.O. pleaded not guilty and claimed for conducting enquiry.

5. On behalf of the Disciplinary Authority, three witnesses have been examined as PW1 to PW-3 and 17 documents have been marked as Ex.P-1 to P-17.

6. After the closure of evidence on behalf of Disciplinary Authority, the DGO filed his Defence Statement repeating the defence stated in his written statement and comments. DGO got examined himself as DW-1 and got marked one document as Ex.D-1. DGO has filed Written Agruments.

7. The following witnesses were examined on behalf of the Disciplinary Authority

1. PW1: Sri. Thammaiah

2. PW2: Sri. Jayanna

3. PW3: Sri. Narasimhamurthy T.N.

8. The following documents were marked as exhibits on behalf of the disciplinary authority

- Ex.P-1: Complaint dt.09-07-2014 addressed to  
PI KLA Hassan
- Ex.P-2: Sheet containing serial number of currency notes
- Ex.P-3: Photographs of the pre-trap proceedings
- Ex.P-4: Pre Trap mahazar dt.09-07-2014
- Ex.P-5: Trap Mahazar dt.09-07-2014
- Ex.P-6: Entrustment mahazar dt.10-07-2014
- Ex.P-7: Application dt.03-07-2014 of Sharadamma
- Ex.P-8: Explanation given by DGO in writing
- Ex.P-9: Rough sketch of the scene of occurrence
- Ex.P-10: Photographs of trap proceedings
- Ex.P-11: Trap mahazar dt.10-07-2014
- Ex.P-12: Photographs seizure mahazar dt.11-07-2014
- Ex.P-13: F.I.R.
- Ex.P-14: Sketch of scene of occurrence
- Ex.P-15: Report of the Chemical Examiner
- Ex.P-16: Call details of mobile numbers of  
DGO and complainant
- Ex.P-17: Service Particulars of DGO

9. The following witness was examined on behalf of the DGO.

DW-1: Sri. Puttaswamy  
*[Signature]*

10. The following documents were marked as exhibits on behalf of the DGO.

Ex.D-1: Receipt dt.08-07-2014

11. Points that arise for determination are as follows:-

Point No.1: Whether the Disciplinary Authority proves that the DGO while working as Panchayath Development Officer, Hiriuru Grama Panchayathi, Arasikere taluk, Hassan district, demanded Rs.3000/- for allotment of Janatha house in the name of wife of complainant Smt.Sharadamma on 09-07-2014 and accepted bribe amount of Rs.3,000/- on 10-07-2014 at New Krishna Vijar Hotel, situated at Railway Station Road, Arasikere, Hassan district and thereby DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government servant and committed misconduct as enumerated U/R 3(1) of K.C.S. (Conduct) Rules 1966?

Point No.2: What Order ?

12. Answer to the aforesaid points are as follows:

Point No.1: In the **AFFIRMATIVE**

Point No.2: As per the final order for the following

**REASONS****POINT No.1:**

13. The Disciplinary Authority has to prove the charge against the DGO Sri Puttaswamy, Panchayath Development Officer, Hiriuru Grama Panchayathi, Arasikere taluk, Hassan district. Perused the evidence of PW-1 to PW-3. PW-1 Sri Thammaiah, complainant, deposed that the DGO was working as Panchayath Development Officer, Hiriuru Grama Panchayath Banawara Hobli, Arasikere taluk. An application was filed by his wife Sharadamma on 03-07-2014 with a request to grant house under Ashraya scheme to the DGO. On 08-07-2014, he went to the Grama Panchayath office, at that time, DGO was not available and he came to know that the DGO had been to Taluk Panchayath Office for meeting. He contacted the DGO over phone, in turn DGO asked to come near Arasikere bus stand to meet him. Accordingly, he went near Arasikere bus stand to meet the DGO. When he met the DGO, he asked to bring Rs.3000/- and to meet him on the next day

at a hotel by name New Krishna Vihar at Railway Station road. He recorded conversation took place between himself and the DGO in his mobile, transferred the conversation into a C.D and alongwith C.D. he went to Lokayukta Police Station, Hassan and filed Ex.P-1 complaint on 09-07-2014. Ex.P-1(a) is his signature. He also produced C.D. to the Police Inspector along with his complaint.

14. Thereafter, Police Inspector secured two panchas Sri V. Rajashekar, Hostel Warden Girls Hostel and one Sri Jayanna, Supervisor, Boys Hostel, M.Hirehalli, Hassan. Introduced him to them explained them the purpose for which they have been summoned and gave the copy of the complaint to the panchas for their reading. C.D. was played in their presence and heard the conversation recorded in it. At the request of Police Inspector, he produced Rs.3,000/- consisting of 3 currency notes of Rs.1000/- denomination each to treat it as bait money. Panch witness noted the serial number of the notes in a
- separate* sheet which is marked as Ex.P-2 and his



signature is at Ex.P-2(a). Thereafter, Police Inspector got applied white powder to all those notes through his staff. Panch witness Sri Rajashekar counted those notes again and kept those notes in his left side shirt pocket. Thereafter, hand wash of Rajashekar was obtained and collected in a separate bottle. Since the hand wash turned into pink colour, Police Insepctor told him not to use the powder smeared notes for other purpose and to gave the notes to the DGO, asked to give signal only in case the DGO receives the money. Sri Jayanna was asked to be a shadow witness and to accompany him to meet the DGO and to watch the happenings that may take place. Police Inspector gave voice recorder asking him to switch on the same when he meet the DGO and to record the conversation that may take place between him and the DGO.

15. Thereafter, Police Inspector, two panch witnesses, himself and the Police staff went to Arasikere, he telephoned to the

DGO and DGO told him that he is busy in a meeting at  
DGO

Zilla Panchayath office and asked him to come on the next day to meet him at the same hotel. Thereafter, they returned to the Lokayukta office, mahazar was prepared as per Ex.P-5.

16. On 10-07-2014 again, tainted notes and voice recorder were entrusted to him and the instructions were given to him and Jayanna mahazar was drawn as per Ex.P-6. Again, Police Inspector took himself, Panch Witness and staff to Arasikere. He contacted the DGO and he informed to wait near the hotel while himself and Jayanna were waiting near hotel, DGO came from Railway Station and on seeing him, he approached him and DGO went inside the hotel, he also followed him. He requested the DGO pleading his inability to pay so much amount to him. The DGO did not reduce his demand and insisted to pay the amount as demanded by him. Then he gave powder smeared notes to the DGO, DGO received money, counted notes by using both hands and kept the same in his secret ~~watch~~ pocket of his pant. Sri Jayanna was sitting by the

side table and was watching all these happenings. Thereafter, he came out of the hotel and gave pre-arranged signal to the Police Inspector.

17. Police Inspector, on receiving the signal, alongwith his staff, came and enquired, he showed the DGO and told that he has received money from him. Police Inspector introduced himself to the DGO, explained him about the registration of the case. Thereafter, Police Inspector got prepared some solution in two separate bowls and asked the DGO to wash his both hand fingers separately in those two bowls containing solution. The colourless solution in both bowls were turned into pink colour solution was collected in two separate bottles. The DGO also revealed the fact of availability of money in his watch pocket of the pant. As per the direction of Police Inspector, Panch witness took out the money from the watch pocket of the pant of the DGO, checked the number of the currency notes. Thereafter, the DGO was brought to the Taluk Panchayath Office for further proceedings. The pant

pocket of the DGO was dipped in a separate bottle containing solution and on such dipping, the colourless solution in the bowl turned into pink colour and the same was seized in a separate bottle, part of the DGO was also seized. The DGO also told Police Inspector that he application filed by the wife of the complainant was in Grama Panchayath office, Hiriyyur. As per the instruction of the Police Inspector, DGO secured application from the Village Secretary and same was seized as per Ex.P-7 and Ex.P-7(a) being his signature. DGO gave his explanation in writing as per Ex.P-8. The version of the statement given by the DGO is false and incorrect. The Voice recorder entrusted to him was taken back and played in the presence of panch witnesses and it was found to contain the conversation took place between himself and the DGO. Recorded conversation was made to be heard by the Village Secretary, Sri K.H.Balaji who identified the voice of the DGO in the said conversation. The said conversation was transferred into a C.D. Shadow witness Sri Jayanna also

narrated in detail the happenings that took place in the hotel when he met the DGO and also receipt of money from him by the DGO. He also prepared rough sketch as per Ex.P-9. Trap mahazar was drawn as per Ex.P-11. On the next day, again, he went to the police Station and the photographs were shown to him, statements were recorded by the police inspector, mahazar was prepared as per Ex.P-12.

18.PW-2 Jayanna deposed in his evidence that, on 09-07-2014 as per the direction of his superior officer, himself and Sri Rajashekhara went to Lokayukta Police Station, at about 10-45 a.m. The complainant Thimmaiah was present. Police Inspector introduced himself to them and informed about the registration of the case. Copy of the complaint was provided to them for reading and complainant also produced C.D. and it was played in their presence wherein the complainant had recorded the conversation with DGO regarding demand for bribe being made by him. As per the request of the Police Inspector,

*Thimmaiah*

complainant produced Rs.3000/- consisting three currency notes of Rs.1000/- denomination each to treat it as bait money. Himself and Sri. Rajashekhara noted the serial numbers of the notes in a separate sheet Ex.P-2. Thereafter, Police Inspector applied phenolphthalein powder to all the notes. Panch witness Rajashekhara counted those powder smeared notes, kept those notes in the shirt pocket of the complainant. Thereafter, hand wash of Rajashekhar was obtained, asking him to wash his fingers and colour less solution turned into pink colour and the same was collected in a bottle. Police Inspector gave instructions to the complainant not to use the said notes for any other purpose and to give notes to the DGO only in case he demands and receives money and to give signal by his towel and asked him to be shadow witness, accompany the complainant and to watch the happenings. Police Inspector also gave voice recorder to the complainant to switch on the same when he meets the DGO and to record ~~conversation~~ that will take place between himself and DGO.

Dep 11/2/2015

Mahazar was drawn as per Ex.P-4. Photographs were obtained as per Ex.P-3. Thereafter, Police Inspector took the complainant, himself, panch witness and staff to Arasikere. The complainant telephoned to the DGO to enquire about his place of availability and the DGO told that he was busy in a meeting and he would be available the next day and asked the complainant to come near the New Krishna Vihar hotel near Railway Station road at Arasikere. All of them returned to the Police Station, Voice recorder and tainted notes were taken back from the complainant mahazar was prepared as per Ex.P-5. On 10-07-2014, at 7.00 a.m. again himself and Rajashekhar went to Lokayukta Police Station. Complainant was also present, again tainted notes and voice recorder were handedover to the complainant. Instructions were given, mahazar was prepared as per Ex.P-6 and they went to Arasikere near Krishnavihar hotel. The Police Inspector sent him and the complainant to meet the DGO in the hotel

as instructed by the Police Inspector and Police Inspector

16/1/2014

and his staff and another panch witness were standing at some distance. On seeing the DGO complainant approached him and went inside the hotel and sat on a table and he sat on a nearby table. Complainant enquired about allotment of the house in the name of his wife and the DGO enquired him as to whether he had brought the money. The complainant took out the tainted notes and gave those notes to the DGO. The DGO having received those notes from the complainant, counted the same by using his both hands and kept those notes in the watch pocket of his pant. Thereafter, the complainant went out of the hotel and gave pre-arranged signal. On receiving the signal, Police Inspector, staff and another Panch witness came inside the hotel. Complainant told Police Inspector that the DGO received the money. Police Inspector introduced himself to the DGO and explained the registration of the case against him. DGO disclosed his name. Thereafter, collected the hand wash of the DGO, it was turned into pink colour, collected the same in separate

12/10/2015



bottles, sealed the same. Thereafter, DGO disclosed that money received from the complainant was available in the watch pocket of the pant. The Police Inspector asked him to search the watch pocket of the pant of the DGO. Having searched the watch pocket of the DGO, took out money from the watch pocket of the DGO and produced the same before the Police Inspector. Those notes were cross checked with reference to its serial numbers and confirmed that those were the notes entrusted to the complainant during entrustment proceedings and those notes were kept in a cover and sealed the same. Since the hotel was a public place, DGO was taken to nearby Taluk Panchayath Office for further proceedings. On taking the DGO to Taluk Panchayath Office and on providing an alternate pant to him the pant worn by the DGO was taken and watch pocket portion of the pant was dipped in a bowl containing sodium carbonate solution and on such dipping, the colourless solution turned into pink colour. The said pink coloured solution was collected in a separate bottle sealed

26/1/2012

the same, and seized along with the part of the DGO. The voice recorder entrusted to the complainant was taken back from the complainant and it was played in their presence and in the presence of the DGO. The conversation was transferred into C.D. and seized the same. DGO was asked to produce relevant documents pertaining to the allotment of the house in the name of wife of the complainant and DGO told that those documents were available in the Grama Panchayath office. Accordingly, Village Accountant produced the application of Smt.Sharadamma w/o the complainant seeking for allotment of house in her favour under Ashraya Scheme. DGO was asked to give explanation in writing. The DGO gave his explanation in writing as per Ex.P-8 under his signature Ex.P-8(a). The complainant and he denied the correctness of the explanation offered by the DGO claiming it as false. Mahazaar and sketch were prepared as per Ex.P-9 and Ex.P-11 and photographs Ex.P-10. DGO was arrested and brought to the Police Station. Again, he was

6/1/2017

summoned to the Police Station on 11-07-2014 and prepared mahazar as per Ex.P-12.

19. PW-3 Narasimhamurthy, Investigating Officer deposed in his evidence that he received the typed complaint Ex.P-1 given by the complainant and in the complaint, complainant has made allegation against the DGO that in order to sanction house in the name of his wife and to select as beneficiary, he demanded Rs.3000/- by way of bribe. The complainant also produced C.D. containing conversation claiming that he had recorded the conversation with the DGO regarding demand of bribe made by him. He registered case in Cr.no.11/2014 U/S 7, 13(1)(d) R/W 13(2) of Prevention of Corruption Act 1988 and submitted FIR to the Hon'ble Special Court.

20. The Police Inspector sent letter of requisition to the Extension Officer of Backward Class department to send two officials from their office. Accordingly, Sri

V. Rajashekhara and Sri Jayanna came to the Police

Station, informed them about registration of the case and requested them to co-operate in the investigation of the case as panch witnesses; Introduced complainant to them, gave copy of the complaint; asked to go through the same; C.D. was played in their presence and they heard the said conversation recorded in it. The complainant has produced Rs.3,000/- consisting three currency notes of Rs.1000/- each. Serial numbers were noted in Ex.P-2. Applied Phenolphthalein powder to all the notes and as per his instructions, panch witness Rajashekhara counted those notes, again kept notes in the left side shirt pocket of the complainant. Thereafter, hand wash of Rajashekar was obtained and collected in separate bottles and sealed the same, gave instructions to the complainant not to use said notes for any other purpose and to given notes to the DGO only in case DGO demand and if the DGO receives money and asked the complainant to give signal by taking out his towel from his shoulder and to wave the same. He asked

panch witness Jayanna to accompany the complainant and

to watch the happenings. He gave voice recorder to the complainant to record the conversation that may took place between him and the DGO, prepared mahazar as per Ex.P-4. Thereafter, all of them went to Arasikere. He asked the complainant to contact DGO and to enquire him about the place of his availability. Complainant contacted the DGO on his mobile, DGO told him that he has gone to Hassan to attend a meeting in the Zilla Panchayath office and he would not be available on that day and asked the complainant to come the next day and meet him near Sri Krishna Vihar hotel near Arasikere Railway station. Since no trap was conducted on that day, they returned to Hassan and a mahazar was prepared as per Ex.P-5.

21. On the next day, on 10-07-2014, again complainant and two panch witness came to the Police Station at 7 a.m., tainted notes and voice recorder was re-entrusted to the complainant. Mahazar was drawn as per Ex.P-6 with his signature at Ex.P-6(c). Instructions were again given to them. He went alongwith his staff and another panch

lb/1/22

witness to Arasikere. The vehicle was stopped near Railway station and sent the complainant and shadow witness to go near Krishna Vihar hotel and wait for the DGO. Himself, staff and another panch witness were standing at some distance from the said hotel. On receipt of the signal, myself, staff and another panch witness approached the complainant. He narrated the happenings stating that when he enquired the DGO about the sanctioning of the work order towards sanction of the house in favour of his wife, the DGO enquired the complainant as to whether he had brought Rs.3000/- as demanded by him and when he offered money to the DGO, the DGO received the tainted notes from the complainant with right hand and counted the same by using his both hands and kept in his watch pocket, on enquiry shadow witness confirmed all these happening as narrated by the complainant. The complainant took them inside the hotel and showed the DGO who was sitting inside the hotel. He introduced himself to the DGO and informed about the

10/1/2017

registration of the case and DGO disclosed his name, he prepared sodium carbonate solution in two separate bowls and asked the DGO to wash his both hand fingers in that solution separately. The solution turned into pink colour and the said pink colour solution was collected in two separate bottles and sealed the same. He asked DGO about the money he had received from the complainant.

DGO disclosed that the money he had received from the complainant was available in the watch pocket of his pant.

He asked Jayanna to search for the watch pocket of the pant of the DGO and on searching, Jayanna took out Rs.3000/- from the watch pocket of the DGO and confirmed that those notes were entrusted to the complainant by cross checking serial numbers. Since it is a public place, he took DGO inside nearby taluk office and further proceedings were conducted. Dipped the watch pocket portion of the pant in the separate bowl containing sodium carbonate solution; the said solution turned into pink colour and seized the solution and the pant. He

6/1/2015

asked DGO to produce relevant documents pertaining to the wife of the complainant. Voice recorder entrusted to the complainant was taken back and played in the presence of the DGO; conversation was found recorded in it. Even the conversation recorded by the complainant prior to filing of the complaint which was produced by him in a C.D. was also played in the presence of the DGO and Sri K.H.Balaji, Secretary of the Grama Panchayath, who identified the voice of DGO in those two conversation. DGO gave explanation as per Ex.P-8. Complainant and shadow witness denied the correctness of the explanation. Photographs of all the proceedings were got obtained as per Ex.P-11. He produced DGO before the Special Court with remand application.

22. He sent all the seized articles for examination and received report as per Ex.P-15. Secured call details of the mobile numbers belonging to DGO and the complainant from the service provicer as per Ex.P-16. The photographs Ex.P-3

*Abir*



and Ex.P-10 were obtained during the entrustment and trap proceedings. The hard copies of photographs were seized under mahazar as per Ex.P-12.

23. On perusal of the evidence of PW-1, he has specifically stated that the DGO had demanded a bribe of Rs.3000/- for grant of house in the name of his wife and to meet him on the next day at Hotel New Krishna Vihar, Railway station road and recorded conversation and handedover C.D. to the Police Inspector at the time of lodging the complaint. His evidence also shows that at the request of Police Inspector, he had produced Rs.3,000/- and the Panch Witness noted the serial numbers of those notes in a separate sheet. Thereafter the Police Inspector got applied white powder to all the notes and Inspector also instructed him not to touch the notes and only handover notes in case DGO demanded and thereafter to give signal. PW-1 has supported the case of the prosecution in the chief examination. He was cross examined on 01-06-2018 and

*Handwritten signature and date:*  
06/1/2018

turned hostile to the case of prosecution. He has denied the demand of bribe by the DGO and also denied that he handedover notes to the Police Inspector and he stated that he went to the New Krishna Hotel to have tea and DGO also came to the hotel thereafter, both spoken to each other and DGO asked him to remit 'Kandaya' and he would be looking into the matter and came out of the hotel and went towards bus stand and DGO did not ask him any bribe. It is clear from the cross examination that PW-1 met the DGO at New Krishna Hotel.

24. Defence of the DGO is that he has not received any phone call from the complainant. Complainant did not meet him near Arasikere bus stand. He also denied that on 09-07-2014 again he received phone call from the complainant/PW-1 and he told PW-1 to come near hotel New Krishna near Railway station road near Arasikere bus stand. But, on perusal of Ex.P-16 – details of call register ~~extract~~ which clearly shows that on 08-07-2014 and 09-

07-2014 there was a mobile phone conversation between complainant and the DGO. Hence the say of the DGO that he has not received any phone call from the complainant cannot be accepted. It is also the case of the DGO that he issued the receipt Ex.D-1 on 08-07-2014 for Rs.3,000/- towards tax for the period 2012-13 and 2013-14, without receiving the money from the complainant. It is the duty of the Bill Collector to collect revenue and not the duty of the Panchayath Development Officer, moreover the said fact is not corroborated from his own statement Ex.P-8.

25. On reading Ex.P-8, DGO has stated that on 10-07-2014 at 9 am, he went to New Krishna Hotel for Tiffin. At that time, complainant came there and kept Rs.3,000/- on his table, kept in the bag and thereafter, complainant telephoned him and told that due to some urgent work he left the hotel and told him that to give tax receipt. But, in Ex.P-8 DGO has not stated that without receiving the money from the complainant he had given EX.D-1 receipt

6/12/2014

to the complainant. Ex.P-8 shows that complainant kept Rs.3,000/- in his bag on 10-07-2014. Hence, the contention of DGO cannot be accepted. Moreover, no call details have been produced by the DGO to show that on 10-07-2014, he received the phone call from the complainant to his mobile number after 9 a.m. The explanation given by the DGO in Ex.P-8 is not acceptable. The voice of the DGO was identified by Sri K.H.Balaji, Secretary of the Grama Panchayath as per Pre-trap mahazar and post trap mahazar. Prosecution case is also supported by the evidence of PW-2 who is a panch witness and the Investigating Officer. Nothing has been elicited in the cross examination to dis-believe their evidence. Trap is successful. It is clear from the evidence of the I.O. that he introduced complainant to the witness and explained about the complaint given by the complainant to the panch witnesses and copy of the complaint was given to the panch witnesses and he has gone through the copy of the said complaint which is also corroborated by the evidence

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of PW-2 Jayanna who is a panch witness. The photographs, signature in the mahazar are not denied by the complainant. He admits the signature in the complaint, but denied its contents. The case of the disciplinary authority is Proved by the evidence of PW-1 the complainant. PW-2 Shadow witness, and PW-3 the Investigating Officer and Ex.P-1 to P-17.

26. Hence, I am of the opinion that the Disciplinary Authority has **PROVED** the charge against the DGO. Hence, the aforesaid point is answered in the **AFFIRMATIVE**.

Hence, the following order is passed;


#### **FINAL ORDER**

24. Disciplinary Authority has proved the charges leveled against the DGO- Sri Putaswamy, Panchayath Development Officer, Hiriyuru Grama Panchayath, Arasikere taluk, Hassan district.

*[Handwritten signature]*

Hence this report is submitted to Hon'ble  
Upalokayukta-2 for further action.

Dated this 6<sup>th</sup> day of January 2021

  
(H.G. Vijaya Kumari)  
Additional Registrar Enquiries-3  
Karnataka Lokayukta,  
Bangalore.

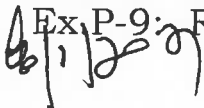
### ANNEXURE

#### List of witness examined on behalf of Disciplinary Authority.

- (1) PW1: Thammaiah
- (2) PW2: Jayanna
- (3) PW3: T.N.Narasimhamurthy

#### List of Documents marked on behalf of Disciplinary Authority:

- Ex.P-1: Complaint dt.09-07-2014 addressed to  
PI KLA Hassan
- Ex.P-2: Sheet containing serial number of currency notes
- Ex.P-3: Photographs of the pre-trap proceedings
- Ex.P-4: Pre Trap mahazar dt.09-07-2014
- Ex.P-5: Trap Mahazar dt.09-07-2014
- Ex.P-6: Entrustment mahazar dt.10-07-2014
- Ex.P-7: Application dt.03-07-2014 of Sharadamma
- Ex.P-8: Explanation given by DGO in writing
- Ex.P-9: Rough sketch of the scene of occurrence



- Ex.P-10: Photographs of trap proceedings  
Ex.P-11: Trap mahazar dt.10-07-2014  
Ex.P-12: Photographs seizure mahazar dt.11-07-2014  
Ex.P-13: F.I.R.  
Ex.P-14: Sketch of scene of occurrence  
Ex.P-15: Report of the Chemical Examiner  
Ex.P-16: Call details of mobile numbers of  
DGO and complainant  
Ex.P-17: Service Particulars of DGO

**List of witness examined on behalf of DGO:-**

DW-1: Sri Puttaswamy

**List of Documents marked on behalf of DGO:-**

Ex.D-1: Receipt dt.08-07-2014

Dated this 6<sup>th</sup> day of January 2021



(H.G. Vijaya Kumari)  
Additional Registrar Enquiries-3  
Karnataka Lokayukta  
Bangalore.

