



## KARNATAKA LOKAYUKTA

No.Uplok-2/DE/38/2017/ARE-14

Multi-storeyed Building,  
Dr.B.R. Ambedkar Veedhi,  
Bengaluru, dt.17.06.2020.

### RECOMMENDATION

Sub: Departmental inquiry against Sri. Prasanna Kumar A.V., S/o. Late A.G.Vijaykumar, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District-reg.

- Ref: 1. Govt. Order No: UDD/26/TMS/2016, Bengaluru, dated: 06.01.2017.  
2. Nomination Order No: UPLOK-2/DE/38/2017 Bengaluru, dated 10.01.2017.  
3. Report of ARE-14, KLA, Bengaluru, dated 15.6.2020.

The Government by its order dated 06.01.2017 initiated the disciplinary proceedings against Sri. Prasanna Kumar A.V., S/o. Late A.G.Vijaykumar, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District [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/38/2017 dated 10.01.2017 nominated Additional Registrar of Enquiries-1, 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.

Subsequently by order No. Uplok-1 & 2/DE/Transfers/2018, Bengaluru, dated 6.8.2018, ARE-14 was re-nominated to continue the said enquiry.

3. The DGO – Sri. Prasanna Kumar A.V., S/o. Late A.G.Vijaykumar, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District, was tried for the following charge:-

“That you DGO Sri. Prasanna Kumar A.V. S/o. Late A.G. Vijaykumar while working as First Grade Revenue Inspector in Town Municipal Council, Mulbagilu, Kolar District had demanded bribe of Rs. 2,000/- from Sri. T. V. Shankarappa S/o. Late Chikkavenkatappa, Thotlapalya, Mulbagilu , Kolar district and on negotiation you had agreed to receive Rs.1,000/- to make separate katha of property Asst. No. 2671/2475 measuring 50 x 60 in his name and his brother Sri. C. Subramanyam at 22 ½ x 30 each and on 30/07/2014 you again demanded and received tainted money of Rs.1,000/- from the complainant when Lokayukta police sent him along with a shadow witness and therefore you the DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge”.

4. The Inquiry Officer (Additional Registrar of Enquiries-14) on proper appreciation of oral and documentary evidence has held that, the charge framed against the DGO - Sri. Prasanna Kumar A.V., S/o. Late

A.G.Vijaykumar, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District is proved.

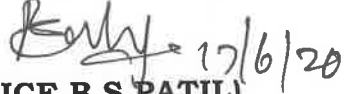
5. On re-consideration of the report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of the Inquiry Officer.

6. As per the First Oral Statement furnished by the Inquiry Officer, the DGO Sri. Prasanna Kumar A. V., is due for retirement on 31.05.2045.

7. Having regard to the nature of charge '*proved*' against DGO – Sri. Prasanna Kumar A.V., S/o. Late A.G.Vijaykumar, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO Sri. Prasanna Kumar A.V.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

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**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/38/2017/ARE-14

Multi Storied Building,  
Dr.B.R.Ambedkar Road,  
Bangalore-560 001,  
Dated: 15/06/2020.**ENQUIRY REPORT****Present :** Smt. **K.Bhagya**, Additional  
Registrar of Enquiries-14  
Karnataka Lokayukta  
Bangalore.**Sub:** Departmental Enquiry against **Sri Prasanna  
Kumar A.V. S/o Late A.G. Vijayakumar**, First  
Grade Revenue Inspector, Town Municipal  
Council, Mulbagilu, Kolar District- Reg.

- Ref:**
1. Report u/s 12(3) of the K.L Act, 1984 in
- 
- Compt/Uplok/BD-2453/2015/ARE-7
- 
- Dated: 11/04/2016.
- 
2. Government Order No. ನಅಇ 26 ಟಿಎಂಎಸ್ 2016
- 
- ಬೆಂಗಳೂರು, ದಿನಾಂಕ:06.01.2017
- 
3. Nomination Order No:UPLOK-2/DE/38/
- 
- 2017, dated:10/01/2017 of Hon'ble
- 
- Upalokayukta-2, Bangalore.
- 
4. Order No.UPLOK-2/DE/2017 Bangalore,
- 
- Dated: 4.7.2017 file transferred from
- 
- ARE-1 to ARE-7.
- 
5. Order No.UPLOK-1 & 2/DE/transfers/2018,
- 
- Bengaluru, Dtd: 06/08/2018 file transferred
- 
- from ARE-7 to ARE-14.

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On the basis of the report of the Additional Director General  
of Police, Karnataka Lokayukta, Bengaluru along with the  
investigation papers and report filed by the Police Inspector,  
Karnataka Lokayukta, Kolar District reveals that Sri. Prasanna



Kumar A.V. S/o Late A.G. Vijaykumar while working as First Grade Revenue Inspector in Town Municipal Council, Mulbagilu, Kolar District (hereinafter referred to as Delinquent Government official, in short DGO,) he being Public/Government servant has committed misconduct as he has demanded and accepted the bribe from the complainant by name Sri.T.V. Shankarappa S/o Late Chikkavenkatappa and on the basis of his complaint, an investigation was taken up U/Sec.9 of the Karnataka Lokayukta Act, 1984 after invoking power vested U/Sec. 7 (2) of the said Act.

2. After completion of the investigation, a report was sent to the Government U/Sec. 12(3) of the Karnataka Lokayukta Act as per Reference No.1. In pursuance of the report, the Government was pleased to issue the Government order Dtd.06.01.2017 authorizing the Hon'ble Upalokayukta to hold enquiry as per Reference No.2. In pursuance of the G.O., the nomination was issued by the Hon'ble Upalokayukta-2 on 10/01/2017 authorizing ARE-1 to hold enquiry and to report as per Reference No.3. As per reference No.4 this file is transferred from ARE-1 to ARE-7. As per reference No.5, this file is transferred from ARE-7 to ARE-14.

3. On the basis of the nomination, the Articles of Charge against the DGO., framed by the then Additional Registrar of Enquiries-1 which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No.II are the following and the same was sent to the DGO on 17/01/2017.



**ANNEXURE-I****CHARGE**

That you DGO Sri. Prasanna Kumar A.V. S/o Late A.G. Vijaykumar while working as First Grade Revenue Inspector in Town Municipal Council, Mulbagilu, Kolar District had demanded bribe of Rs.2,000/- from Sri. T.V. Shankarappa S/o Late Chikkavenkatappa, Thotlapalya, Mulbagilu , Kolar district and on negotiation you had agreed to receive Rs.1,000/- to make separate katha of property Asst. No. 2671/2475 measuring 50 x 60 in his name and his brother Sri. C. Subramanyam at 22 ½ x 30 each and on 30/07/2014 you again demanded and received tainted money of Rs.1,000/- from the complainant when Lokayukta police sent him along with a shadow witness and therefore you the DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

**ANNEXURE-II****STATEMENT OF IMPUTATION OF MISCONDUCT:**

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

- ಎ) ದೂರುದಾರರು ಮತ್ತು ಅವರ ತಮ್ಮ ಶ್ರೀ. ಸಿ. ಸುಬ್ರಮಣ್ಯಂ ರವರುಗಳ ಹೆಸರಿನಲ್ಲಿರುವ ಮುಳಬಾಗಿಲು ಟೌನ್ ತೋಟಪಾಳ್ಯ, ವಾರ್ಡ್ ನಂ.28, "ಡಿ" ಡಿವಿಜನ್‌ನಲ್ಲಿ ಜಂಟಿ ಖಾತೆಯಲ್ಲಿ ಮುಳಬಾಗಿಲು ಪುರಸಭೆ ಅಸೆಸ್‌ಮೆಂಟ್ ನಂ.26712475ರಲ್ಲಿ 55 ಇಂಟು 60 ಅಡಿಗಳ ಖಾಲಿ ನಿವೇಶನವನ್ನು ದೂರುದಾರ ಮತ್ತು ಅವರ ತಮ್ಮ ಶ್ರೀ. ಸಿ. ಸುಬ್ರಮಣ್ಯಂ ರವರುಗಳ ಹೆಸರುಗಳಿಗೆ ತಲಾ 22.1/2 ಇಂಟು 30 ಅಡಿಗಳಂತೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಖಾತೆ



ಮಾಡಿಸಿಕೊಳ್ಳುವ ಸಂಬಂಧ ಅವರು ಇಬ್ಬರೂ ಸೇರಿ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಪುರಸಭೆ, ಮುಳಬಾಗಿಲು ರವರಿಗೆ ದಿನಾಂಕ:28/07/2014ರಂದು ಮನವಿ ಪತ್ರವನ್ನು ನೀಡಿರುತ್ತಾರೆ.

- (ಆ) ಅದರ ಸಂಬಂಧ, ದಿನಾಂಕ: 30/07/2014ರಂದು ಬೆಳಿಗ್ಗೆ ಸ್ವೀಕೃತಿ ಸಂಖ್ಯೆ: 536/2014-15ನ್ನು ನೀಡಿದ್ದು, ನಂತರ ಎದುರುದಾರರನ್ನು ದೂರುದಾರರು ಹಾಗೂ ಅವರ ತಮ್ಮ ಬೇಟಿ ಮಾಡಿ, ಖಾತೆ ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿಕೊಂಡಾಗ, ಎದುರುದಾರರು ರೂ.2,000/- ಗಳ ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿರುತ್ತಾರೆ.
- (ಇ) ಆಗ ದೂರುದಾರರು ತಮ್ಮಿಂದ ಅಷ್ಟು ಹಣ ನೀಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ಕೇಳಿಕೊಂಡಾಗ ಅಂತಿಮವಾಗಿ ರೂ.1,000/- ಗಳ ಲಂಚದ ಹಣಕ್ಕೆ ಎದುರುದಾರರು ಒತ್ತಾಯ ಮಾಡಿರುತ್ತಾರೆ.
- (ಈ) ಎದುರುದಾರರಿಗೆ ಲಂಚ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ದೂರುದಾರರು ದಿನಾಂಕ: 30/07/2014 ರಂದು ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ಹಾಜರಾಗಿ, ಎದುರುದಾರರ ವಿರುದ್ಧ ದೂರನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ.
- (ಃ) ಅಷ್ಟೇ ಅಲ್ಲದೆ, ದಿನಾಂಕ: 30/07/2014ರಂದು ಎದುರುದಾರರು ತಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ ರೂ.1,000/- ರೂ. ಫಿನಾಪ್ತಲೀನ್ ಪೌಡರ್ ಲೇಪಿತ (ಲಂಚದ) ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿರುತ್ತಾರೆ.
- (ಉ) ಎದುರುದಾರರು ಸದರಿ ದಿವಸ ಆ (ಲಂಚದ) ಹಣದ ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿರುವಾಗ, ತನಿಖಾಧಿಕಾರಿಗಳು ಆ ಹಣದ ಸಹಿತ ಎದುರುದಾರರನ್ನು ಹಿಡಿದಿದ್ದಾರೆ.
- (ಊ) ಅದಲ್ಲದೇ, ಸದರಿ ದಿನಾಂಕದಂದು ಆ (ಲಂಚದ) ಹಣವು ಎದುರುದಾರರ ಸ್ವಾಧೀನದಲ್ಲಿ ಹೇಗೆ ಇತ್ತು ಎಂದು ತನಿಖಾಧಿಕಾರಿಗಳು ಪ್ರಶ್ನಿಸಿದಾಗ, ಅದಕ್ಕೆ ಎದುರುದಾರರು ಸಮಾಧಾನಕಾರಕ ಅಥವಾ ಸೂಕ್ತ ಉತ್ತರ ಕೊಡಲು ವಿಫಲರಾಗಿದ್ದಾರೆ.
- (ಋ) ಆ ನಂತರ, ಆ ಹಣವನ್ನು ಎದುರುದಾರರಿಂದ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚನಾಮೆಯಂತೆ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.





- (ಎ) ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳು ಪ್ರಕರಣದಲ್ಲಿ ಹಾಜರು ಮಾಡಿದ್ದು, ಅವು ಕೂಡ ಎದುರುದಾರರ ಪದೇ ಪದೇ ದರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ವೆಸಗಿರುವುದನ್ನು ತೋರಿಸುತ್ತದೆ.
- (3) ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ, ಎದುರುದಾರರು ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿ, ಸ್ವೀಕರಿಸಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ ಎದುರುದಾರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, ಎದುರುದಾರರು ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.
- (4) ನಂತರ ಎದುರುದಾರರಿಗೆ ವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಅವರ ದುರ್ನಡತೆಯ ಬಗ್ಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಂಬಂಧ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸ್ಸು ವರದಿ ಕಳುಹಿಸಬಾರದು? ಎಂಬ ಬಗ್ಗೆ ಕಾರಣಗಳನ್ನು ಕೇಳಲಾಯಿತು. ಎದುರುದಾರರು ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಸಂಗತಿಗಳನ್ನು ನಿರಾಕರಿಸಿ, ತಾನು ದುರ್ನಡತೆ ಎಸಗಿಲ್ಲವೆಂದು ತನ್ನ ವಿರುದ್ಧದ ವಿಚಾರಣೆಯನ್ನು ಕೈಬಿಡಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ. ಆದರೆ, ಎದುರುದಾರರು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳು ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕಾರಕವಾಗಿರುವುದಿಲ್ಲ.
- (5) ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಎದುರುದಾರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966 ರ ನಿಯಮ 3(1)(ii) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಅವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, ಎದುರುದಾರರ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ



ಒಪ್ಪಿಸುವಂತೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

- 6) Since, the facts and material on record prima-facie show that you DGO has committed misconduct under Rule 3(1)(ii) & (iv) of KCS (Conduct) Rules, 1966, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against the DGO. The Govt. after consideration of materials, has entrusted the enquiry to Hon'ble Upalokayukta. Hence the charge.
4. The said Articles of Charge was served on the DGO and he has appeared before this Authority on 20/03/2017 and his first oral statement under Rule 11(9) of the KCS(CCA) Rules, 1957 was recorded. The DGO has denied the said charges and claimed to be enquired.
5. The Disciplinary Authority has got examined the complainant as PW-1 and one shadow witness by name A.V. Papireddy as PW-2 and the Investigating Officer as PW-3 and Ex.P.1 to 14 got marked on their side. On the other hand, the DGO himself got examined as DW-1.
6. The learned counsel for the DGO has relied upon the following decisions.



**1. 1010(4) CRIMINAL COURT CASES 0273 (M.P.) Omkar Lal Sharma Vx State of M.P.**

**2. In the Supreme Court of India, Criminal appeal No.31/2009, P. Sathyanaraya Murthy Vs The District Inspector of Police And another.**

7. The points that arise for my consideration are:

Point No.1 : Whether the charges framed against the DGO are proved?

Point No.2 : What order?

8. Heard, perused the entire case record and heard the argument of both the side.

9. My answer to the above points are as here under:

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

Point no. 2 : **As per final order for the following ;**

### REASONS

**10. Point No.1 :** The Complainant by name Sri T.V. Shankarappa Sa/o Late Chikkavenkatappa, Totlapalya, Mulbagilu , Kolar District has filed the complaint against Sri. Prasanna Kumar A.V. S/o Late A.G. Vijaykumar, the then First Grade Revenue Inspector in Town Municipal Council, Mulbagilu, Kolar District alleging misconduct by demanding and also by receiving bribe amount from him while discharging his duty as a Government Servant.

11. The complaint of the complainant is that, he and his younger brother C. Subramanyam have one vacant site measuring



55x60 feet bearing assessment no. 2671/2475 in Ward No.28/D division of Mulbagilu Town, Thotalapalya in their joint name. They decided to get the khata of the said site measuring 22.1/2 x30feet each in their respective names. Hence, they gave an application on 28.7.2014 to the Chief Officer, Town Municipality, Mulbagilu to change the khata of the said property in their names. On 30-07-2014 morning he had received an acknowledgement bearing No.536/2014-2015 for having received the said application. In that regard, he met Revenue Inspector Prasannakumar and requested him to change the khata and for that the said Prasannakumar demanded Rs.2000/- as bribe amount. When he said that he was unable to pay that much of amount, at last, the said Prasannakumar agreed for Rs.1000/- as bribe amount in order to change the khata of their property. As he was not at all interested in paying the bribe amount to the said Prasanna Kumar to perform his official duty, he recorded the conversation took place between himself and the said Prasanna Kumar and lodged a complaint against him before the Police Inspector, Karnataka Lokayukta. A case was registered against DGO in Cr.No.8/2014 for the offences punishable u/s 7 R/w 13(2) of P.C.Act 1988 and on the same day they laid a trap and caught hold of the DGO with the bribe amount red handed.

12. The defence of the DGO before this authority is that, the complainant made false allegation against him and lodged a false complaint. In the complaint it is stated that he had



given an application for '**Khata Transfer**'. But he had given application for '**Khata Extract**'. It is alleged in the complaint that he had met the Chief Officer on 28-07-2014 and gave his application and received an acknowledgement on 30-07-2014. But as per the records available in the Municipal Office and as per the documents collected by the Investigating officer, the application of the complainant was received on 30-07-2014 at 10:18:00AM vide Ack.Slip No.L3099-00005-36584 which was issued in the name of Sri T.V. Shankarappa. Thus the complainant had given his application only for Khata Extract and not for Khata Transfer. The application of the complainant had never reached the DGO as on 30-07-2014 and there was no opportunity for the complainant to meet the DGO on 30-07-2014 as alleged in the complaint. The application of the complainant was still in Tappal Section and not reached the DGO. The application was given to the Municipal Office on 30-07-2014 at 10:18:00AM where he had lodged a complaint before Karnataka Lokayukta Police Station, Kolar. The case was registered in Crime No.08/2014 on 30-07-2014 at 1.10pm. Before, complainant's application could reach the DGO for further proceedings, the complainant had lodged a complaint with Lokayukta. He has further contended that, he never demanded any bribe from the complainant not accepted. Hence, prayed to exonerate him from the charges.

13. Here, the complainant Sri T.V. Shankarappa got examined as PW-1 and deposed in his chief examination stating that four vacant sites situate at Mulbagilu stand jointly in his name



and his brother. So in order to change the khata separately in his name as well as in the name of his brother, he met the DGO at the Municipal Office, Mulbagilu. He gave an application for change of khata. The DGO informed that he had not received the application so far. When he met the DGO once again, then the DGO demanded for bribe amount of Rs.2000/-. He did not agree for the same and hence lodged a complaint in the year 2014.

14. The said complaint is got marked as Ex.P.1, signature of the complainant is got marked as Ex.P.1(a).
15. I have gone through this complaint in detail. It is very clearly stated in this complaint that he and his younger brother C.Subramanyam own one vacant site measuring 55x60 feet bearing assessment no. 2671/2475 in Ward No.28/D division of Mublagilu Town, Thotalapalya in their joint name. They decided to get the khata of the said site measuring 22.1/2 x30 feet each in their names separately. So they gave an application before the Chief Officer of Town municipality, Mulbagilu to change the khata of the said property in their names on 28-07-2014. On 30-07-2014 morning (on the day he lodged the complaint) he received an acknowledgement bearing No.536/2014-2015 for having received the said application. In this regard, he met Revenue Inspector Prasanna kumar and requested him to change the khata and for that, the said Prasanna kumar demanded for Rs.2000/- as bribe amount. When he said that he was unable to pay that much of amount, at last, the said Prasanna kumar



agreed for Rs.1000/- as bribe amount in order to change the khata of their property. As he was not at all interested in paying the bribe amount to the said Prasanna Kumar to perform his official duty, he recorded the conversation took place between himself and the said Prasanna Kumar and lodged a complaint against him before the Police Inspector, Karnataka Lokayukta, Kolar District.

16. Thus, in the written complaint i.e, Ex.P.1, he has clearly mentioned about the application submitted to the Municipal office of Mulabagilu on 28.7.2014 and also receipt of acknowledgement for having received the said application at the office on 30.7.2014. It is also very clearly stated that, when he met the DGO and requested him to change the khatha in their names, he had demanded for Rs.2,000/- as bribe amount and when he said that he was unable to pay that much of amount, the DGO agreed to receive Rs.1,000/- as bribe amount. This complaint was lodged before the Police Inspector, Karnataka Lokayukta, Kolar on 30.7.2014 at about 1.10 P.M. and thereafter a case has been registered against this DGO. But, before this authority the complainant has deposed about the demand by the DGO for Rs.2,000/- as bribe amount and hence he did not agree for the same and hence lodged a complaint as per Ex.P.1. Except this he has not deposed anything else very clearly. So, the Presenting Officer has treated him as partly hostile and cross examined him. In the cross examination, he has deposed as under,  
 “ನನಗೆ ಮುಳಬಾಗಿಲಿನ ಅಸೆಸ್‌ಮೆಂಟ್ ನಂ.2671/2475ರಲ್ಲಿ 55 60 ಅಡಿ ಅಳತೆಯ



ನಿವೇಶನ ಇತ್ತು ಎನ್ನುವುದು ಸರಿ. ಅದನ್ನು ನಾನು ಮತ್ತು ನನ್ನ ತಮ್ಮ ಪಾಲು ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂದು ಇಚ್ಛಿಸಿದ್ದೆವು ಎನ್ನುವುದು ಸರಿ. ಪ್ರತ್ಯೇಕ ಖಾತೆ ಮಾಡಿಸಿಕೊಳ್ಳಬೇಕು ಎಂದು ನಾವು ಆಸನೌರವರನ್ನು ಭೇಟಿಯಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದೆವು ಎನ್ನುವುದು ಸರಿ. ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲು 2ಸಾವಿರ ರೂ.ಲಂಚ ಕೊಡಬೇಕೆಂದು ಕೇಳಿದರು ಎಂದು ಮಾಡಿದ ಸಲಹೆಗೆ ಸಾಕ್ಷಿ ಅದು ಲಂಚ ಎಂದು ನನಗೆ ಗೊತ್ತಿರಲಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. 2ಸಾವಿರ ರೂ.ಇಲ್ಲ 1ಸಾವಿರ ರೂ. ಕೊಡುತ್ತೇನೆ ಎಂದು ನಾನು ಹೇಳಿದ್ದಕ್ಕೆ ಆತ ಒಪ್ಪಿಕೊಂಡರು ಎನ್ನುವುದು ಸರಿ. ನನ್ನ ಮತ್ತು ಆಸನೌರವರ ನಡುವಿನ ಸಂಭಾಷಣೆಯನ್ನು ನಾನು ಮೊಬೈಲಿನಲ್ಲಿ ದಾಖಲಿಸಿಕೊಂಡಿದ್ದೇ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ನಂತರ ಆ ರೆಕಾರ್ಡ್‌ನೊಂದಿಗೆ ಲೋಕಾಯುಕ್ತಕ್ಕೆ ದೂರನ್ನು ಕೊಟ್ಟಿದ್ದೆ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. Thus, when cross examined by the Presenting Officer also he has deposed that the DGO had agreed for Rs.1,000/- instead of Rs.2,000/- at last. But, he has denied that he had recorded the said conversation in his mobile and with the said recording he has lodged complaint to the Lokayukta Inspector.

17. Further, he has deposed that at the Lokayukta Office they have received two 500/- currency notes from him and applied Phenolphthalein powder to those notes. One Papireddy kept the said notes in his pocket. When Papireddy's hands were washed in the liquid it turned into pink colour. The Lokayukta Police had seized the said pink coloured liquid in a separate bottle. The I.O. informed him to give signal to them by wiping his hair with his hands after handing over the bribe amount to the DGO. They sent Papireddy along with him to go to DGO's office. He has deposed that, they drew a mahazar at the Lokayukta office and he had put his signature





on the said mahazar. The said mahazar is got marked as Ex.P.2 and the signature identified by this complainant on it is marked at Ex.P.2(b). This complainant has not deposed anything about the panch witnesses in his chief examination. So, to that effect also the Presenting Officer has treated him as partly hostile witness and cross examined him. In the cross examination, he has deposed as, “. . . . . ನಂತರ ಲೋಕಾಯುಕ್ತ ಅಧಿಕಾರಿಗಳು ಪಾಪಿರೆಡ್ಡಿ ಮತ್ತು ಶಿವರೆಡ್ಡಿ ಎನ್ನುವವರನ್ನು ಪಂಚಸಾಕ್ಷಿದಾರರನ್ನಾಗಿ ಕರೆಯಿಸಿಕೊಂಡರು ಎನ್ನುವುದು ಸರಿ. ನಂತರ ಅವರಿಗೆ ನನ್ನನ್ನು ಪರಿಚಯಿಸಿ ನನ್ನ ದೂರಿನ ಬಗ್ಗೆ ಅವರಿಗೆ ತಿಳಿಸಿಕೊಟ್ಟರು ಎನ್ನುವುದು ಸರಿ. ನಾನು ದಾಖಲಿಸಿದ್ದ ರೆಕಾರ್ಡಿಂಗ್‌ನ್ನು ಅವರಿಬ್ಬರಿಗೆ ಕೇಳಿಸಿದ್ದರು ಎನ್ನುವುದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ.” . . . . . Thus, actually this complainant has not supported the side of disciplinary authority fully. But, supported only in part.

18. I have gone through this Ex.P.2, it reveals about the complainant's complaint & registration of a criminal case against the DGO in their Cr.No.08/2014 for the offences punishable u/s 7 R/w Sec.13(2) of P.C.Act 1988. The conversation took place between the complainant and the DGO, which was recorded by the complainant in his mobile and got transferred to one blank CD and its seizure; the hearing of the said conversation by the panch witnesses; production of two Rs.500/- currency notes by the complainant and applying of the Phenolphthalein powder to those currency notes; washing the hands of witness Shivareddy & change of the colour of the liquid into pink and its seizure have all been examined by me.



19. The shadow witness by name A.V.Papireddy got examined as PW-2 before this authority. He has also deposed about his presence at the Lokayukta Office, Kolar, the presence of another witness by name N.Shivareddy; the contents of the complaint explained by Lokayukta Officials to them; hearing of conversation that took place between the complainant and the DGO which was recorded by the complainant in his mobile and its transfer to a blank CD; production of two 500/- rupees currency notes by the Complainant in their presence and the writing down of numbers of those currency notes in the mahazar. He has also deposed about applying Phenolphthalein powder to those notes and keeping those notes by another witness Shivareddy in the left pant pocket of the complainant and also about the washing of Shivareddy's hands in a liquid which turned into Pink colour; seizure of the said pink coloured liquid in a bottle by the I.O. He has also deposed about the instructions given by the I.O. to the complainant as well as to himself. He has also deposed about the photographs taken at the said time and the drawing of mahazar regarding all these procedures. He has identified his signature on the said mahazar i.e, Ex.P.2 at Ex.P.2(a).

20. In the cross examination, this PW-2 has deposed as, “ದಿನಾಂಕ: 30/07/2014 ರಂದು ನಾನು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಗೆ ಹೋದಾಗ ಅಲ್ಲಿ ಆ.ಸ.ನೌ.ರವರ ವಿರುದ್ಧ ನೀಡಲಾಗಿದ್ದ ದೂರನ್ನು ಓದಿ ನೋಡಿದ್ದೆ. . . . ದಿನಾಂಕ: 30/07/2014 ರಂದು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಮಾಡಿದಂತಹ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಗೆ ಓದಿ ಸಹಿ ಹಾಕಿದ್ದೆ.”



21. The I.O. Sri Munikrishna, Police Inspector is examined as CW-3. He has deposed before this authority in his Chief examination regarding the receipt of complaint given by the complainant and the registration of the case against this DGO in their Cr.No.8/2014 for the offences punishable u/s 7 R/w S.13(2) of P.C.Act, (the FIR is got marked as Ex.P.8 and this I.O.s signature at Ex.P.8(a), his signature on the complaint is marked as Ex.P.1(b). He has further deposed about the presence of panch witnesses at his office at his request to the officers of the said witnesses i.e, Papireddy and Shivareddy. (His requisitions to the officers of the witnesses are marked as Ex.P.9 & 10) and hearing of conversation by them took place in between the complainant and the DGO recorded by the complainant, production of two 500/- rupees currency notes by the Complainant and applying of Phenolphthalein powder to those notes by his staff and counting of those notes by the panch witness Shivareddy and washing of his hands in sodium carbonate liquid and the liquid turning into Pink colour, seizure of the said pink coloured liquid in one bottle by him. He has further deposed that, he gave instruction to the complainant to hand over the tainted amounts to the DGO whenever demanded by him only and after handing over the same to the DGO to give signal by wiping his hair by his right hand. He had directed Papireddy to go with the complainant as a shadow witness and also handed over one digital voice recorder to the complainant to record the conversation which is going to take place between himself and the DGO at the time of handing



over the tainted notes and had also informed him about the operation of the said voice recorder. He has further deposed about the drawing of the mahazar about all the procedure stated above, which is got marked as Ex.P.2 and the signature identified by him on Ex.P.2 at Ex.P.2(c).

22. This I.O. has been cross examined by the advocate for DGO in detail about the above procedural aspect. In the cross examination, he has admitted that the complainant and Subramanya are relatives. In the complaint, it is stated that he had given an application for change of khatha. But, in Ex.P.7 he had sought for khatha extract and the same is mentioned in the acknowledgment given by the said office. He has denied that in Ex.P.3, there is no demand for bribe amount by the DGO. Ex.P.3 is pre-trap mahazar dated: 30.7.2014. In the said mahazar itself the I.O. has inserted the conversation that took place in between the complainant and the DGO which was recorded by the complainant. It reveals the demand made by the DGO for Rs.1000/- at last.
23. The IO further deposed that, they left their office on 30.7.2014 at 3.10 P.M. and reached the Municipal Office of Mulabagilu at 4.00 P.M. The complainant and the shadow witness went inside the office and he, his staff and other witnesses were scattered here and there outside the office by waiting for the signal from the complainant. At last, at about 4.10 P.M. the complainant came outside the office and gave the signal. Then the I.O. and others went inside the office. The complainant showed the DGO by saying that, he has



received the bribe amount. Then the DGO's hands were washed in sodium carbonate liquid, which turned to pink colour and he had seized it in a separate bottle. He had informed Papireddy to remove the tainted currency notes from the right pant pocket of the DGO and verified the currency numbers of those notes with the numbers which were already recorded and they tallied. Then he had seized the said currency notes. He made an arrangement for another pant for the DGO and washed the right pant pocket of the DGO which he wore in sodium carbonate liquid which turned to pink colour. Then, he seized the same in a bottle and also seized the said pant. He also seized the relevant documents from the said office which are marked as Ex.P.11. He had also seized the attendance register extract which is marked as Ex.P.12.

24. The I.O. has also deposed that, he has got identified the voice of the DGO through the Chief Officer of the said Municipality. He had also received a written explanation from the DGO regarding the possession of those tainted notes with him, which is marked as Ex.P.4. He has also deposed about the receipt of the chemical examination report which is marked as Ex.P.13 and the sketch of the DGOs office is at Ex.P.14. The Xerox copies of the photographs are marked as Ex.P.5. These are all the documents on which the I.O. has relied upon.



25. The I.O. also deposed that, on 19.8.2014 he has drawn a mahazar regarding the transfer of conversation which was recorded in the voice recorder to a blank CD in the presence of the Chief Officer of Mulabagilu municipality and panch witnesses.
26. The I.O. has been cross examined by the advocate for DGO by putting suggestions to him for which the I.O. has denied. The main defence of the DGO is that, the complainant gave his application for "khatha transfer" and not for "khatha change" of the property. He has relied upon Ex.P.7, which is a computerized "receipt details at the office of town municipal Council, Mulabagilu". In this Ex.P.7, Sl.No.1 reveals the name of this complainant as applicant **T.V.Shankarappa** and the date and time as **30.7.2014 at 10:18:00** for '**Khatha Extract**'. Further, it also reveals the status as, '**pending**'. So, by relying upon this Ex.P.7, the argument of the learned counsel for the DGO is that, he filed an application for 'khatha extract' only and not for 'khatha change' and the said application was filed on 30.7.2014 and on the same day in the noon at about 1:10 P.M. he had lodged a complaint before the Lokayukta Police. As the entry in Ex.P.7 is for 'khatha extract', the DGO has taken this defence.
27. It is very pertinent to note that after changing the khatha only, they will issue khatha extract. Here, the DGO is also got examined as DW-1. He has very clearly deposed in his chief examination itself as, "ಕಂದಾಯ ನಿರೀಕ್ಷಕನಾಗಿ ನನ್ನ ಕೆಲಸಗಳು



ಎನೆಂದರೆ ಸದರಿ ಪುರಸಭಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಮನೆಗಳು, ಮತ್ತು ನಿವೇಶನಗಳ ತೆರಿಗೆ ವಸೂಲಾತಿ, ನೀರಿನ ಕಂದಾಯ ವಸೂಲಾತಿ ಮತ್ತು ಖಾತೆ ಬದಲಾವಣೆಗೆ ಸ್ಥಳ ಪರಿಶೀಲನಾ ವರದಿಯನ್ನು ಪುರಸಭಾ ಮುಖ್ಯಾಧಿಕಾರಿಗಳಿಗೆ ಸಲ್ಲಿಸುವುದು ಆಗಿರುತ್ತದೆ. Further, he has also deposed in his further cross examination as, “ಖಾತೆ ಬದಲಾವಣೆ ಇದ್ದಲ್ಲಿ ಸ್ಥಳ ಪರಿಶೀಲನಾ ವರದಿಗಾಗಿ ನನ್ನ ಮುಂದೆ ಬರುತ್ತವೆ ಎನ್ನುವುದು ಸರಿ. ಬರೀ ಖಾತೆ ನಕಲಿಗಾಗಿ ಅರ್ಜಿಯನ್ನು ಕೊಟ್ಟಿದ್ದೇ ಆಗಿದ್ದಲ್ಲಿ ಅದು ನೇರವಾಗಿ ಪುರಸಭೆಯ ಮುಖ್ಯಾಧಿಕಾರಿಗಳ ಮುಂದೆ ಹೋಗುತ್ತಿತ್ತು ಎನ್ನುವುದು ಸರಿ. ಸಾಕ್ಷಿ ಸ್ವತಃ: ನುಡಿಯುತ್ತಾರೆ ಎಲ್ಲಾ ಅರ್ಜಿಗಳು ಮುಖ್ಯಾಧಿಕಾರಿಗಳ ಮುಂದೆ ಹೋಗಿಯೇ ಹೋಗುತ್ತವೆ.” Thus, he has admitted that his duty is to

inspect the spot and to give report in order to change the khatha of any property. So, definitely it can be inferred that the complainant met this DGO and requested for change of khatha.

28. Further, the I.O. has denied the suggestions put by the advocate for DGO regarding the procedural aspects done by him.
29. Regarding the trap, CW-2 also deposed in his chief examination regarding handing over of tainted amount from the complainant to the DGO. He has also deposed that, after giving signal by the complainant to the police officials, the I.O. and his staff and another witness entered the said office and introduced themselves to the DGO. The complainant showed the DGO by saying that he has received the tainted amount and kept in his right pant pocket. The I.O. got it removed from the panch witness Shivareddy and tallied the said currency notes numbers with the numbers which were already recorded and they tallied. When the DGO's right



hand was washed in liquid, it turned to pink colour. The I.O. made an arrangement for another pant to the DGO and washed the right pant pocket of the DGO, which turned to pink colour. The I.O. seized the said liquid as well as the pant. The I.O. seized the necessary documents at the said office. The DGO gave his written explanation also. The I.O. got confirmed the voice of the DGO by the Chief Officer, Municipal Office, Mulabagilu. Regarding all the above procedural aspects, the photographs were also taken. The I.O. drew a mahazar at that time. (It is marked as Ex.P.3 and his signature marked as Ex.P.3(a)). He has identified his signature on Ex.P.4 i.e, explanation given by the DGO, on Ex.P.6 i.e, sketch of the said office and also on Ex.P.7 i.e, the documents seized at the said office.

30. The shadow witness has been thoroughly cross examined by the advocate for DGO. In the cross examination, he has very clearly deposed as, “ದಿ:30-07-2014ರಂದು ನಾನು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಗೆ ಹೋದಾಗ ಅಲ್ಲಿ ಆಸನೌರವರ ವಿರುದ್ಧ ನೀಡಲಾಗಿದ್ದ ದೂರನ್ನು ಓದಿ ನೋಡಿದ್ದೆ. ಸದರಿ ದೂರಿನ ಮೇಲೆ ಸಹಿ ಹಾಕಿದ್ದೀರಾ ಎಂದು ಕೇಳಿದ ಪ್ರಶ್ನೆಗೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರ ಆಕ್ಷೇಪಣೆ ಎತ್ತಿರುತ್ತದೆ. ಆ ದೂರಿನಂತೆ ಫಿರ್ಯಾದುದಾರರು ಅವರ ಸಹೋದರ ಸುಬ್ರಮಣ್ಯನ ಹೆಸರಿನಲ್ಲಿ ಇದ್ದಂತಹ 22.50x30ಅಡಿ ನಿವೇಶನದ ಖಾತೆ ಬದಲಾವಣೆಗೆ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಮುಳಬಾಗಿಲುರವರ ಮುಂದೆ ದಿ:28-07-2014ರಂದು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರು ಎನ್ನುವುದು ಸರಿ. . . . .  
 . ದಿ:30-07-2014ಕ್ಕೂ ಮೊದಲು ದೂರುದಾರರು ಪರಿಚಯವಾಗಲಿ, ಆಸನೌರವರ ಪರಿಚಯವಾಗಲಿ ಅಥವಾ ಅವರಿಬ್ಬರ ಧ್ವನಿಯ ಪರಿಚಯವಾಗಲಿ





ನನಗೆ ಇರಲಿಲ್ಲ. ದಿ:30-07-2014ರಂದು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಮಾಡಿದಂತಹ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಗೆ ಓದಿ ಸಹಿ ಹಾಕಿದ್ದೆ.” Thus, he has very clearly admitted in his cross examination also about the contents of the complaint as well as the pre trap mahazar. Further, he has also deposed about the things which he had seen at the time of trap. Here, this witness is a shadow witness. He has deposed in his cross examination very clearly as, “. . . . ಆಸನೌರವರನ್ನು ಭೇಟಿಯಾಗಲು ಹೋದಾಗ ನಿಂತಿದ್ದೆ. ಅಲ್ಲಿ ದೂರುದಾರರು ಮತ್ತು ಆಸನೌರವರ ನಡುವೆ ನಡೆದ ಸಂಭಾಷಣೆ ನನಗೆ ಕೇಳಿಸಲಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ಆಸನೌ ಲಂಚದ ಹಣಕ್ಕಾಗಿ ಒತ್ತಾಯ ಮಾಡಲಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ನಾನು ಟ್ರಾಪ್ ಪಂಚನಾಮೆ ನಿ.ಪಿ.3ಕ್ಕೆ ಓದಿ ಸಹಿ ಹಾಕಿರುತ್ತೇನೆ. ಟ್ರಾಪ್ ಪಂಚನಾಮೆಯಲ್ಲಿ ದಾಖಲಿಸಲಾಗಿರುವ ಸಂಭಾಷಣೆಯಲ್ಲಿ ಲಂಚದ ಹಣಕ್ಕಾಗಿ ಬೇಡಿಕೆ ಇಟ್ಟಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲ ಎಂದು ಮಾಡಿದ ಸಲಹೆಗೆ ಸಾಕ್ಷಿ ಸದರಿ ದಾಖಲೆಯಲ್ಲಿ ದಾಖಲಿಸಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಓದಿ ನೋಡಿ ‘ತಂದಿದ್ದೀರಾ’ ಎಂದು ಕೇಳಿರುತ್ತಾರೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಅದು ಅರ್ಜಿಯೋ, ಹಣವೋ ಎಂದು ಅಲ್ಲಿ ಇಲ್ಲಾ ಎನ್ನುವುದು ಸರಿ. ಆಸನೌರವರು ಲಂಚದ ಹಣಕ್ಕಾಗಿ ಬೇಡಿಕೆ ಇಡದಿದ್ದರೂ ಸಹಾ, ತನಿಖಾಧಿಕಾರಿಯವರ ಸೂಚನೆಯಂತೆ, ಅವರು ಸೃಷ್ಟಿಸಿದ ನಿ.ಪಿ.3 ಟ್ರಾಪ್ ಪಂಚನಾಮೆಗೆ ನಾನು ಸಹಿ ಹಾಕಿರುತ್ತೇನೆ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ಆಸನೌರವರ ಕಚೇರಿಯಲ್ಲಿ, ಫಿರ್ಯಾದುದಾರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು, ಆಸನೌರವರಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲಾ ಆದರೆ ಕಚೇರಿಯ ಟಪಾಲ್ ಸೆಕ್ಷನ್‌ನಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ ಎನ್ನುವುದು ಸರಿ.” Thus, this witness has



clearly deposed about the trap mahazar as well as the demand made by the DGO for bribe amount. Further, he has also very clearly deposed as, “ದಿ:30-07-2014ರಂದು ಲೋಕಾಯುಕ್ತ ಸಿಬ್ಬಂದಿಯವರು ಆಸನೌರವರ ಕೈಗಳು ಮತ್ತು ಅವರ ಧರಿಸಿದ್ದ ಪ್ಯಾಂಟ್‌ನ್ನು ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣದಲ್ಲಿ ತೊಳೆಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಆ ದ್ರಾವಣ ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ಫಿರ್ಯಾದುದಾರರು ಹಣವನ್ನು ಆಸನೌರವರ ಟೇಬಲ್ ಮೇಲೆ ಇಟ್ಟರು, ಅದನ್ನು ವಾಪಾಸ್ಸು ಫಿರ್ಯಾದುದಾರರಿಗೆ ಕೊಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಲೋಕಾಯುಕ್ತ ಸಿಬ್ಬಂದಿ ಆಸನೌರವರನ್ನು ಹಿಡಿದರು ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ಲೋಕಾಯುಕ್ತ ಸಿಬ್ಬಂದಿ ಆಸನೌರವರ ರಕ್ಷಣಾತ್ಮಕ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದರು, ಅದಕ್ಕೆ ನಾನು ಸಹಿ ಹಾಕಿರುತ್ತೇನೆ.” Thus, this witness has clearly deposed about the procedural aspects, like above.

31. Regarding the possession of tainted notes with the DGO, the I.O. has received the written explanation given by the DGO which is marked as Ex.P.4. The said explanation is in English in which it is stated that on 26.7.2014 one person by name Narayanappa met him along with the complainant and informed about the change of khatha of the property of the person came with him. Further, on 30.7.2014 when he was busy with his work at his office, the said Narayanappa came at about 3.00 P.M. and asked the applicant to give money to him. But, he had rejected. At that time, the applicant (this complainant) kept the money on his table and went outside the office. At that juncture, he took the said currency notes



and tried to hand over the same to the applicant (this complainant) by following him. At that time, the Lokayukta officials caught hold of him and put the money in his pant pocket.

32. PW-2 and the I.O. have denied the above story of the DGO in their cross examination. As already observed above, the DGO also got examined as DW-1 and regarding the possession of tainted currency notes, he has deposed in his cross examination as, “ದಿ:30-07-2014ರಂದು ನಾನು ಲೋಕಾಯುಕ್ತ ಪಿಠರವರ ಮುಂದೆ ನನ್ನ ಲಿಖಿತ ಸಮಜಾಯಿಷಿ ನಿ.ಪಿ.4ನ್ನು ನೀಡಿರುತ್ತೇನೆ. ಆ ದಿನ ದೂರುದಾರರೊಂದಿಗೆ ಪಿ.ಸಿ. ನಾರಾಯಣಪ್ಪ ಎನ್ನುವವರು ನಾನು ಕಚೇರಿಯಲ್ಲಿದ್ದಾಗ ಬಂದು, ದೂರುದಾರರಿಗೆ ಹಣವನ್ನು ನನಗೆ ಕೊಡಲು ಹೇಳಿದರು. ಆಗ ನಾನು ಹಣವನ್ನು ಪಡೆಯಲು ನಿರಾಕರಿಸಿದೆ. ಆಗ ಈ ದೂರುದಾರ ಆ ಹಣವನ್ನು ಬಲವಂತದಿಂದ ನನ್ನ ಟೇಬಲ್ ಮೇಲೆ ಇಟ್ಟು ತಕ್ಷಣವೇ ಹೊರಕ್ಕೆ ಹೋದರು. ನಾನು ಆ ಹಣವನ್ನು ತೆಗೆದುಕೊಂಡು ಆತನಿಗೆ ಕೊಡಲು ಆತನನ್ನು ಹಿಂಬಾಲಿಸಿದೆ. ಅಷ್ಟರಲ್ಲಿ ಕೆಲವರು ಬಂದು ನನ್ನ ಕೈಗಳನ್ನು ಹಿಡಿದುಕೊಂಡು, ನನ್ನ ಕೈನಲ್ಲಿದ್ದ ಹಣವನ್ನು ನನ್ನ ಪ್ಯಾಂಟ್ ಜೇಬಿಗೆ ತುರುಕಿಸಿದರು. ನಂತರ ನನ್ನನ್ನು ಮುಂದೆ ಹೋಗಲು ಬಿಡಲಿಲ್ಲ. ನಂತರದಲ್ಲಿ ಅವರು, ನಾವು ಲೋಕಾಯುಕ್ತದವರು ಎಂದು ಹೇಳಿದರು.” Can it be believable? The DGO has not explained about any enmity between himself and the said Narayanappa whose name has been mentioned in his explanation only, nor explained any enmity with this complainant or with this I.O. If at all, the DGO had not at all demanded any bribe amount, why this complainant should lodge this complaint to the Lokayukta police and drag them to the

DGO's office? Further, this DGO in his written explanation i.e, Ex.P.4 has stated very clearly as, "on 26.7.2014 person by name "Narayanappa" came along with applicant to meet me. Narayanappa requested me that sir he is my friend and he wants transfer of khatha ownership to his name. For which Narayanappa said sir you just write report for that file and **I will pay you some fees as gratitude, for which I said sir let the file come to me first**, later I will cross check by doing a spot inspection. . . . ." This is the written explanation given by the DGO to the I.O. Here, the shadow witness i.e, PW-2 has corroborated the oral and documentary evidence of the I.O. in this regard, though the complainant has partly turned hostile. But, it is very important to note that in the cross examination made by the Presenting Officer itself the complainant has deposed very clearly as, "ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲು 2ಸಾವಿರ ರೂ.ಲಂಚ ಕೊಡಬೇಕೆಂದು ಕೇಳಿದರು ಎಂದು ಮಾಡಿದ ಸಲಹೆಗೆ ಸಾಕ್ಷಿ ಅದು ಲಂಚ ಎಂದು ನನಗೆ ಗೊತ್ತಿರಲಿಲ್ಲ ಎನ್ನುತ್ತಾರೆ. 2ಸಾವಿರ ರೂ.ಇಲ್ಲ 1ಸಾವಿರ ರೂ. ಕೊಡುತ್ತೇನೆ ಎಂದು ನಾನು ಹೇಳಿದ್ದಕ್ಕೆ ಆತ ಒಪ್ಪಿಕೊಂಡರು ಎನ್ನುವುದು ಸರಿ."

33. Further, the I.O. has collected all the relevant documents from the said office, which are got marked as Ex.P.11. They are, the application given by this complainant and his brother, property tax register in respect of the property which is in the name of this complainant and his brother, Sakala



acknowledgement slip issued by the said municipal office and attendance register extract.

34. Further, the Chemical report is marked as Ex.P.13. It reveals as **‘The presence of phenolphthalein is detected in the right hand finger washes of the AGO and also detected in articles bearing nos. (2), (5), (6), (7) & (8)’**. The article no.(02) is **“pink coloured solution (panch wash)”**, article no.(05) is **“cover with currency notes”** and article no.(06) is **“pink coloured solution (AGO’s pant right inside pocket wash)”**, articles no.(7) is **“cover with pant (AGO’s pant) and article no.(8) “pink coloured solution (Complainant RHFV)”**.

35. Thus, from the evidence available on record, it can be said without any hesitation that this DGO had demanded for bribe amount from the complainant and also received the same in order to show official favour as a Government Servant.

36. Under the above said facts and circumstances, it can be held that, this DGO had committed misconduct while discharging his duty. On appreciation of entire oral and documentary evidence I hold that the charge levelled against the DGO has been proved. Hence, I answer Point No.1 in the affirmative.

37. **Point No. 2:** For the reasons stated above, I proceed to pass the following:



**ORDER**

The Disciplinary Authority has proved the charge leveled against **Sri Prasanna Kumar A.V. S/o Late A.G. Vijayakumar**, First Grade Revenue Inspector, Town Municipal Council, Mulbagilu, Kolar District.

This report be submitted to the Hon'ble Upalokayukta-2 in a sealed cover forthwith.

Dated this the 15<sup>th</sup> June, 2020

  
(**K.BHAGYA**)

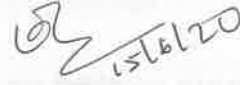
Additional Registrar Enquiries-14  
Karnataka Lokayukta  
Bangalore.

**ANNEXURES**

<b>Sl. No.</b>	<b>Particulars of Documents</b>	
<b>1</b>	<b>Witness examined on behalf of the Disciplinary Authority</b>	
	<b>PW-1</b>	T.V.Shankarappa, Mulabagilu - (Original)
	<b>PW-2</b>	A.V.Papireddy, SDA, Education Department, Srinivasapura, Kolar(Original)
	<b>PW-3</b>	Munikrishna, Police Inspector, K.G.Halli Traffic P.S. Bengaluru (Original)
<b>2</b>	<b>Documents marked on behalf of the Disciplinary Authority Ex.P-1 to Ex.P-14</b>	
	<b>Ex.P-1</b>	Complaint filed by the complainant (Attested copy)
	<b>Ex.P-2</b>	Trap Panchanama (Attested copy)
	<b>Ex.P-3</b>	Mahazar (Attested copy)
	<b>Ex.P-4</b>	Written explanation by DGO (Attested copy)
	<b>Ex.P-5</b>	Xerox copies of photographs (Attested copies)
	<b>Ex.P.6</b>	Sketch of DGO's office (Attested copy)
	<b>Ex.P.7</b>	Document seized by Lokayukta officials (Attested copy)
	<b>Ex.P-8</b>	First Information Report (Attested copy)
	<b>Ex.P.9</b>	Requisition given to Principal, Government P.U. College, Kolar (Attested copy)
	<b>Ex.P.10</b>	Requisition given to DHO, Kolar District (Attested copy)
	<b>Ex.P.11</b>	Documents pertaining to complainant pending at the office of DGO (Attested copy)
	<b>Ex.P.12</b>	Xerox copy of DGO's Attendance register (Attested copy)

	<b>Ex.P.13</b>	Chemical Examiner's report (Attested copy)
	<b>Ex.P.14</b>	Sketch prepared by I.O. (Attested copy)
<b>3</b>	<b>Witness examined on behalf of the DGO, Documents marked on behalf of the DGO</b>	
	<b>DW-1</b>	Prasanna Kumar.A.V. First Grade Revenue Inspector, Bidadi Town Panchayath, Bengaluru (Original)

Dated this the 15<sup>th</sup> June, 2020



**(K.BHAGYA)**

Additional Registrar Enquiries-14  
Karnataka Lokayukta  
Bangalore.