



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/45/2011/ARE-3

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 07.03.2018

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) Lakshminarasimhaiah, Revenue Inspector, Kadaba Hobli, Tumakuru Taluk & District (the then Revenue Inspector of Hebbur Hobli, Tumakuru); and
- (2) B.C. Krishnamurthy, Village Accountant, Shambonahalli Circle (the then Village Accountant of Hebbur Circle and in charge Village Accountant of Bislehalli Circle) -reg.

- Ref:- (1) Government Order No. RD 30 BDP 2011, dated 31.03.2011.
- (2) Nomination order No.LOK/INQ/14-A/45/2011 dated 07.04.2011 of Upalokayukta-2, State of Karnataka.
- (3) Inquiry Report dated 28.02.2018 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru.

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The Government by its Order dated 31.03.2011, initiated the disciplinary proceedings against Sriyuths: (1) Lakshminarasimhaiah, Revenue Inspector, Kadaba Hobli, Tumakuru Taluk & District (the then Revenue Inspector of Hebbur Hobli, Tumakuru); and (2) B.C. Krishnamurthy, Village Accountant, Shambonahalli Circle (the then Village Accountant of Hebbur Circle and in charge Village Accountant of Bislehalli Circle) [hereinafter referred to as Delinquent Government

Officials, for short as 'DGOs 1 & 2' respectively] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/45/2011 dated 07.04.2011, nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO1- Shri Lakshminarasimhaiah and DGO2 - B.C. Krishnamurthy were tried for the following charge:-

“ That you, Sri. Lakshminarasimaiah(here in after referred to as Delinquent Government Official-1, in short DGO-1), while working as Revenue Inspector of Hebbur Hobli, Tumkur Taluk and District and Sri B.C. Krishnamurthy, (here in after referred to as Delinquent Government Official-2, in short DGO-2) while working as Village Accountant, Hebbur Revenue Circle and incharge Village Accountant of Bisilehalli Revenue Circle, you both together demanded a bribe of Rs.30,000/- on 29.07.2008 from complainant Sri. A. Ramakrishna S/o Andanappa, Halebairabahalli, Sulekere post, Kengeri Upanagara, Bangalore Rural District for change of khata in his name in respect of the land bearing sy. No. 78 measuring 4 acres 5 guntas situated in Ramakrishnapura of Hebbur Hobli of Tumkur Taluk

and again on 30.07.2008 you DGO-1 demanded the same amount of bribe of Rs.30,000/- from complainant through mobile phone and you DGO-2 demanded the same amount of bribe from the complainant directly and you both DGOs 1 and 2 received the bribe amount of Rs.30,000/- from the complainant through Sri C. Puttaraju S/o Nanjaiah and H/o Village Assistant - Koramamma for the above mentioned work of change of khatha, that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966."

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charges against DGO1 - Shri Lakshminarasimhaiah, Revenue Inspector, Kadaba Hobli, Tumakuru Taluk & District (the then Revenue Inspector of Hebbur Hobli, Tumakuru); and DGO2 - Shri B.C. Krishnamurthy, Village Accountant, Shambonahalli Circle (the then Village Accountant of Hebbur Circle and in charge Village Accountant of Bislehalli Circle).

5. DGOs 1 & 2 have admitted in their cross-examination that, in the Special Case, they were convicted and sentenced to

undergo imprisonment and pay fine, however they have contended that, they have filed Appeals against the judgment of conviction.

6. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.


7. As per the First Oral Statement submitted by DGOs 1 and 2, and the inquiry report, DGO1 - Shri Lakshminarasimhaiah, has retired from service on 31.10.2015 (during the pendency of inquiry) and DGO2 - Shri B.C. Krishnamurthy has retired from Government service on 01.07.2014 (during the pendency of inquiry).

8. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO1 - Shri Lakshminarasimhaiah, and DGO-2 - Shri B.C. Krishnamurthy, it is hereby recommended to the Government to impose penalty of permanently withholding the entire pension payable to DGO1 - Shri Lakshminarasimhaiah, Revenue Inspector, Kadaba Hobli, Tumakuru Taluk & District (the then Revenue Inspector of Hebbur Hobli, Tumakuru); and DGO-2 - Shri B.C. Krishnamurthy, Village Accountant, Shambonahalli Circle (the then Village Accountant of Hebbur Circle and in charge Village Accountant of Bislehalli Circle), if the conviction suffered by

them is set aside in the Appeals filed by them before the Hon'ble High Court.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 8/3,  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/45/2011/ARE-3

M.S.Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru - 560001.  
Date: 28.02.2018

**Enquiry report**

Present: Sri.S. Renuka Prasad  
Additional Registrar Enquiries-3

**Sub:**

Departmental Enquiry against:

1. Lakshminarasimhaiah, Revenue Inspector, the  
then Revenue Inspector of Hebbur Hobli, Tumkur

2. Sri B.C. Krishnamurthy, Village Accountant, the  
then Village Accountant of Hebbur Circle and  
incharge Village Accountant of Bisilehalli Circle -  
reg.

**Ref:**

1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BD/726/2009/ARLO-2 dated 28.2.2011
2. Order No. RD 30 BDP 2011 Bengaluru dated 31.3.2011 and its corrigendum dated 9.6.2011
3. Nomination Order No.LOK/INQ/14-A/45/2011 dated 07.04.2011 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

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1. The complainant Sri A. Ramakrishnappa S/o Andanappa R/o Halebyravanahalli, Sulakere post, Kengeri Upanagara, Bengaluru Rural District, has filed a complaint against DGO-1 Sri Lakshminarasimhaiah, Revenue Inspector of Hebbur Hobli, Tumkur and DGO-2 Sri B.C. Krishnamurthy, Village Accountant of Hebbur Circle and incharge Village Accountant of Bisilehalli Circle of Tumkur Taluk and District (hereinafter referred to as DGOs 1 and 2

for short) making allegations against them that, they are demanding him to pay Rs. 30,000/- by way of bribe, in order to transfer the khatha of certain lands into his name, in terms of the sale deed obtained by him, from his vendor.

2. On registering a case on the basis of the said complaint, a trap was held on 30.7.2008 in the office of Village Accountant situated by the side of Grama Panchayath office and the tainted amount was recovered from the possession of one Puttaraju who received the said amount as per the direction of DGO-2, who was directed by DGO-1 to receive the bribe amount from the complainant. Since it was disclosed during investigation that, DGOs 1 and 2 having demanded bribe of Rs. 30,000/- from the complainant, received the said amount of bribe from the complainant through Sri Puttaraju, in order to do an official favour of transferring khatha of the land purchased by the complainant under registered sale deed dated 5.7.2007, as the said Puttaraju is none other than the husband of Smt. Koramamma, who was working as Village Assistant in the office of DGO-2 and since the tainted money was recovered from the possession of Puttaraju, the Police Inspector, Lokayukta Police Station, Tumkur having conducted investigation, charge sheeted both DGO no.1 and 2 along with Puttaraju, who received bribe amount from the complainant, at the instance of DGOs 1 and 2.
3. The ADGP, Karnataka Lokayukta, Bengaluru has forwarded the copy of the charge sheet to the Hon'ble Upalokayukta. On the basis of the materials collected during investigation and materials placed before this authority, an investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act. An observation note was served on both the DGOs 1 and 2, providing them an opportunity to



show-cause as to why recommendation should not be made to the Competent Authority for initiating departmental enquiry against them. The DGO no.1 and 2 have submitted their reply denying the allegations made against them and DGO-2 has taken up a contention that, no application of the complainant was received by him and no work of the complainant was pending with him and he never demanded or received any bribe from the complainant whereas, DGO-1 has taken up a contention that, he is innocent and he never demanded the complainant for any bribe and never instructed the complainant on his mobile asking him to give the money he has demanded either to DGO-2 or to Puttaraju and he has been falsely implicated. Since the explanation offered by the DGOs 1 and 2 were not satisfactory, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority recommending to initiate disciplinary proceedings against them and to entrust the enquiry under Rule 14-A of KCS(CCA) Rules, to this authority to hold enquiry. Accordingly, the Government of Karnataka i.e., the Revenue Department by its order in No. RD 30 BDP 2011 Bengaluru dated 31.3.2011 and its corrigendum dated 9.6.2011 initiated departmental proceedings against the DGOs 1 and 2 and entrusted the same to Hon'ble Upalokayukta to hold enquiry. The Hon'ble Upalokayukta issued a nomination order dated 7.4.2011 nominating ARE-3 to frame charges and to conduct enquiry against the DGOs 1 and 2. Accordingly, charges were framed by the then ARE-3 against the DGOs 1 and 2 as under.

**“Charge:**

That you, Sri. Lakshminarasimaiah (here in after referred to as Delinquent Government Official-1, in short DGO-1), while working as Revenue inspector of Hebbur Hobli, Tumkur Taluk and

District and Sri B.C. Krishnamurthy (here in after referred to as Delinquent Government Official-2, in short DGO-2) while working as Village Accountant, Hebbur Revenue Circle and incharge Village Accountant of Bisilehalli Revenue Circle, you both together demanded a bribe of Rs. 30,000/- on 29/7/2008 from complainant Sri. A. Ramakrishna S/o Andanappa, Halebairavahalli, Sulekere post, Kengeri Upanagara, Bangalore Rural District for change of khatha in his name in respect of the land bearing sy. no. 78 measuring 4 acres 5 guntas situated in Ramakrishnapura of Hebbur Hobli of Tumkur Taluk and again on 30/7/2008 you DGO-1 demanded the same amount of bribe of Rs. 30,000/- from complainant through mobile phone and you DGO-2 demanded the same amount of bribe from the complainant directly and you both DGOs 1 and 2 received the bribe amount of Rs. 30,000/- from the complainant through Sri C. Puttaraju S/o Nanjaiah and H/o Village Assistant- Koramma for the above mentioned work of change of khatha, that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

**STATEMENT OF IMPUTATION OF MISCONDUCT:**

The complainant Sri. A. Ramakrishna S/o Andanappa, Halebairavahalli, Sulekere post, Kengeri Upanagara, Bangalore Rural District filed a complaint on 30/7/2008 before the Police Inspector, Karnataka Lokayukta, Tumkur alleging that he had purchased an agricultural land to an extent of 4 acres 5 guntas in sy. no. 78 of Ramakrishnapura of Hebbur Hobli of Tumkur Taluk from one Sri G. Krishna S/o Govindashetty and a registered sale deed was executed in his favour and that all the records and J-Form were sent to the Hebbur Nadakacheri (Country Office) through the Tahsildar, Tumkur and that the complainant met Sri Manjunath the then Village Accountant of Hebbur Hobli and that he demanded and accepted bribe of Rs. 30,000/- for change of khatha in respect of the above mentioned land in his name and that he did not do the said work and that later he came to know that said Manjunath, Village Accountant was suspended by involving in some corruption case and that on 29/7/2008 he went to Hebbur Nadakacheri and there Sri Lakshminarasimhaiah, the then Revenue Inspector of

Hebbur Hobli, Tumkur (here in after referred to as Delinquent Government Servant-1, in short DGO-1) and Sri B.C. Krishnamurthy, the then Village Accountant of Hebbur Circle and incharge of Bisilehalli Circle (here in after referred to as Delinquent Government Servant-2, in short DGO-2) were present and when he enquired with them about the change of khatha in his name in respect of the above mentioned land they told him that they are not concerned with the amount already paid to Manjunath and they both together demanded a bribe of Rs. 30,000/- for effecting khatha and they asked him to bring the said amount on 30/7/2008 i.e., on the next day.

As the complainant was not willing to pay any bribe to the DGOs 1 and 2, he went to Police Inspector, Karnataka Lokayukta Tumkur on 30/7/2008 and lodged a complaint. On the basis of the same a case was registered in Tumkur Lokayukta Police Station Cr. No. 10/2008 for offences punishable under sections 7, 13(1) (d) r/w section 13(2) of the P.C. Act,1988 and FIR was submitted to the concerned learned special judge.

After registering the case, investigating officer observed all the pre trap formalities and entrustment mahazar was conducted and you, the DGO-1 when contacted by the complainant through mobile phone, you told him to pay the bribe amount either to DGO-2 or to Puttaraju. Thereafter DGO-2 was trapped on 30/7/2008 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 30,000/- from the complainant through Sri C. Puttaraju S/o Nanjaiah and H/o Village Assistant- Koramma in the presence of shadow witness and Sri Harikrishna and the said bribe amount which you had received through Puttaraju from the complainant was seized under the seizure mahazar after following the required post trap formalities. During the investigation the I.O has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.

The materials collected by the I.O. during the investigation prima facie disclose that you, the DGOs 1 and 2, demanded and accepted bribe of Rs. 30,000/- from the complainant through Sri C. Puttaraju S/o Nanjaiah and H/o Village Assistant- Koramma on 30/7/2008 for doing an official act i.e., for change of khatha in the name of complainant

in respect of the land bearing sy. no. 78 measuring 4 acres 5 guntas situated in Ramakrishnapura of Hebbur Hobli of Tumkur Taluk. Thus you, the DGOs 1 and 2, have failed to maintain absolute integrity and devotion to duty and this act on your part is unbecoming of a Government servant. Hence, you both have committed an act which amounted to misconduct as stated under Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.

In this connection an observation note was sent to you, the DGOs 1 and 2 and you both have submitted your replies which, after due consideration, was found not acceptable. Therefore, a recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta, Act 1984, to initiate Departmental Proceedings against you, the DGOs 1 and 2. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental / disciplinary proceedings against you, the DGO and to submit report. Hence the charge."

4. The Articles of Charges and Statement of Imputation are duly served on the DGOs 1 and 2. They have appeared in response to the notice issued to them and First Oral Statement of the DGOs 1 and 2 was recorded. They have denied the charges framed against them. They have engaged the services of an advocate, to appear on their behalf and to defend them in the enquiry.
5. The DGOs 1 and 2 have filed their written statement on 14.6.2012 denying the allegations made against them, taking up a contention that, they are innocent and they have been falsely implicated. DGO-2 in his written statement has taken up a further contention that, since they are facing trial in the prosecution case launched against them before special court, Tumkur, no parallel proceedings by way of departmental enquiry can be initiated against them and taking up a contention that, the enquiry against them is not

maintainable, requested this authority to drop the proceedings against him and also against DGO-1.

6. The case was taken up for enquiry and during enquiry on behalf of the Disciplinary authority, 3 witnesses have been examined as PW1 to PW3, and 8 documents came to be marked as Ex-P1 to P8. After closure of the evidence on behalf of the disciplinary authority, second oral statement of the DGOs 1 and 2 was recorded. Since, they have desired to lead defence evidence by examining themselves and examining certain witnesses in order to put forth their defence, permission was granted to them accordingly. DGO-1 and DGO-2 have filed their defence statements and have examined themselves as DW-4 and DW-5 and also examined 3 witnesses as DW-1 to DW-3 in support of their defence. 2 documents came to be marked as Ex-D1 and D2 in the defence evidence of DW-2.
7. Thereafter, learned PO filed written arguments. The learned counsel for DGOs-1 and 2 have filed separate written arguments, on behalf of DGOs 1 and 2. Thereafter this matter is taken up for consideration.
8. The following points would arise for my consideration.

**Point No.1:** Whether the charge framed against the DGO no.1 are proved by the Disciplinary Authority?

**Point No.2:** Whether the charge framed against the DGO no.2 are proved by the Disciplinary Authority?

**Point No.3:** What findings?

9. The above points are answered as under:

**Point No.1:** In the 'Affirmative'

**Point No.2:** In the 'Affirmative'

**Point No.3:** As per the findings.

### REASONS

#### Points No.1 and 2 :-

10. DGO no.1 was working as Revenue Inspector of Hebbur Hobli, Tumkur Taluk and District and DGO-2 was working as Village Accountant of Hebbur Circle and also working as incharge Village Accountant of Bisilehalli Circle, during the relevant period.
11. The complainant being resident of Kengeri Holbi of Bengaluru Rural District had purchased 4.05 acres of land in sy.no. 78 of Ramakrishnapura village of Hebbur Hobli of Tumkur Taluk under a registered sale deed dated 5.7.2007. He filed an application to the office of the Tahsildar, Tumkur Taluk, requesting for transfer of khatha of the said land he has purchased, to his name. The said application of the complainant was forwarded to the Village Accountant of Hebbur Circle, for publication of the notice and for submitting a report and the said the application was pending with the Village Accountant of Hebbur Circle.
12. It is the allegation of the complainant in his complaint that, one Manjunath who was the Village Accountant of Hebbur Circle, had demanded and received RS. 30,000/- from him, in order to attend his work but he/said Manjunath did not attend his work since he was trapped and came to be suspended. Because of the suspension

of Manjunath, DGO-2 has been transferred and posted as Village Accountant of Hebbur circle, in the place of Manjunath.

13. It is the further contention of the complainant that, in order to get his work of transfer of khatha done he visited the office of the Village Accountant of Hebbur Circle on 29.7.2008 and met DGO-2 in his office . It is his contention that, R-1 being the Revenue Inspector of Hebbur Hobli was also present in the office of DGO-2. It is the allegation of the complainant that, when he enquired them about his application, both DGO-1 and DGO-2 have demanded him to pay Rs. 30,000/- by way of bribe and then only his work of transfer of khatha would be attended within 3 days and asked the complainant to give them the money as demanded by them on 30.07.2008. The complainant since not willing to pay any bribe to get his work done, he approached Lokayukta police, Tumkur on 30.7.2008 and filed a complaint against both DGOs-1 and 2, as per Ex-P5.
14. On the basis of this complaint, the Police Inspector, Karnataka Lokayukta, Tumkur has registered a case in Cr. No. 10/2008, under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
15. An entrustment proceedings was conducted in the Police Station in the presence of two panch witnesses viz., Sri M.R. Nagarajappa S/o Ramaiah SDA, O/o Assistant Commissioner of Commercial Taxes office (Vigilance), Gandhinagar, Tumkur and Sri M.R. Krishnamurthy, SDA, O/o Executive Engineer, PWD Kunigal Road, Tumkur and in the said proceedings the bait money of Rs. 30,000/- consisting 15 currency notes of Rs. 1000/- denomination each and 30 currency notes of Rs. 500/- denomination each, given by the

Complainant, were smeared with phenolphthalein powder making it as tainted money and the said money was entrusted to the Complainant asking him to give the said money to the DGOs when he meet them and only in case they demand for bribe. Panch witness M.R. Nagarajappa was sent along with the Complainant as a shadow witness. One micro tape recorder was entrusted to the complainant asking him to switch on the same when he meets the DGOs and to record the conversation with them regarding demanding and receiving of bribe amount by them. In this regard, a detailed entrustment mahazar was also prepared in the Police Station on the same day, as per Ex-P1.

16. In order to ascertain the availability of DGOs 1 and 2, the complainant's son-in-law called DGO-1 on his mobile and DGO-1 asked the complainant and his son-in-law to give the money either to the hands of DGO-2 or to the hands of one Puttaraju who will be available in the office of DGO-2 saying the complainant that, as he/ DGO-1 is going to Kamalapura on some urgent work, he cannot meet them.
17. The Complainant and his son Hairkrishna accompanied with the shadow witness went to the office of DGO-2 on the same day on 30.7.2008 at about 4.05pm. When the complainant enquired DGO-2 about his work, DGO-2 told the complainant that, DGO-1 has given the relevant papers to him and he will verify and attend the papers and enquire the complainant about the money they have demanded. When the complainant offered money to him/DGO-2, he/DGO-2 asked the complainant to give that money in to the hands of one person who was there along with DGO-2 in his office at that time (the said person has subsequently disclosed his name as



Puttaraju), and the said person Puttaraju who was with DGO-2 brought the complainant near the door of the said office and DGO-2 made the complainant to pay money to the said person/Puttaraju and DGO-2 asked Puttaraju to receive the money and accordingly Puttaraju received the tainted notes of Rs. 3000/- from the complainant as per the instructions of DGO-2. Thereafter, the complainant having come out of the office gave pre-arranged signal to the Police Inspector.

18. The Police Inspector on receiving signal from the complainant approached the complainant with his staff and another panch witness and the complainant took them inside the office of the DGO and showed the person to whom he paid money as per the direction of DGO-2 and also showed DGO-2 to the Police Inspector stating that, he paid money to the said person since DGO-2 asked him to pay money to that person.
19. The Police Inspector having introduced himself to DGO no.2 and another person/Puttaraju who was found holding currency notes which he has received from the complainant in his hands on explaining them, the purpose for which he has come there and informing them about registration of a case on the basis of the complaint filed by the complainant. On enquiry, the person found holding currency notes in his hand disclosed his name as Puttaraju S/o Nanjaiah and claimed that he is the husband of Smt. Koramma who is working as Village Assistant in the office of DGO-2 and since his wife was unwell, he is attending the work of his wife in the office of DGO-2. The Police Inspector asked Puttaraju to give the money he was holding to panch witness M.R. Krishnamurthy and thereafter, hand wash of both the hands of

Puttaraju was obtained which gave positive result. The currency notes which was recovered from the hands of Puttaraju were verified with reference to its serial numbers and confirmed that, those were the notes entrusted to the complainant under entrustment proceedings. The said currency notes recovered from the possession of Puttaraju were seized.

20. The Police Inspector asked DGO-2 and Puttaraju to give their explanation in writing. DGO-2 gave his explanation in writing as per Ex-P3 claiming that, he is nothing to do with the amount recovered from Puttaraju and he never asked the complainant to give that money to the hands of Puttaraju. Puttaraju in his written explanation Ex-P4, has stated that, since DGO-2 asked him to receive money from the complainant as DGO-1/Revenue Inspector asked him/DGO-1 to receive money from the complainant, as per the instruction of DGO-2 he received money from the complainant. The complainant has denied the correctness of the version of the statement of DGO-2 but, confirmed the correctness of the version of the statement of Puttaraju.
21. The Police Inspector asked DGO no.2 to produce the relevant file pertaining to the complainant. DGO no.2 having taken a file from his almirah produced the same before the Police Inspector and the copies of the relevant papers including the application of the complainant, sale deed copy and other documents were seized as per Ex-P6 from the office of DGO-2 since produced by him.
22. The complainant has been examined as PW-2 who narrated in detail regarding circumstances which forced him to file complaint against

DGOs-1 and 2 as per Ex-P5. He gave details regarding entrustment proceedings conducted in the Police Station and also entrustment of tainted money of Rs. 30,000/- to him during the said proceedings. He also gave evidence as to how DGO-2 and Puttaraju were trapped and tainted money which he has paid to Puttaraju as per the instruction of DGO-2, was recovered from the possession of Puttaraju.

23. According to him, he having accompanied with his son-in-law, Harikrishna and shadow witness-M.R. Nagarajappa went to the office of the Village Accountant at Hebbur Town. But DGO-1 was not there in the office but, DGO-2 was there along with one more person/Puttaraju in the said office. He further stated that, when his son-in-law called DGO-1 on his mobile, DGO-1 asked to pay the money to the hands of DGO-2. Accordingly, when he/complainant offered money to DGO-2 as per the say of DGO-1, DGO-2 did not receive the money but, asked him to pay the money to the hands of his assistant Puttaraju and accordingly, he/complainant paid that money to the said person Puttaraju. While Puttaraju started counting money, he/complainant came out of the office and gave pre-arranged signal to the Police Inspector.
24. Though the complainant gave these details in his evidence, he pleaded his ignorance about the proceedings taken up by the Police Inspector on his arrival. He identified his signature in the trap mahazar, Ex-P2 but failed to give the details of the material particulars of the trap proceedings. Hence, the complainant has been treated as partly hostile witness and he has been thoroughly cross examined by the learned Presenting Officer. During his cross examination, he gave positive replies to all the suggestions put to

him regarding the details of the trap proceedings claiming that, since he is aged more than 75 years, he has forgotten those details during his chief examination and he has recollected those details when he was reminded about those details, by way of suggestions put to him.

25. PW2/complainant has been thoroughly cross examined on behalf of the DGOs 1 and 2 by their learned counsel. He has admitted that, his request for transfer of khatha was earlier rejected on the ground of non production of cultivator certificate and sketch. According to him after about 6 months of rejection of his application, he has filed one more application to the Tahsildar by furnishing all the relevant records and the said application was pending in the office of DGO-2. During his cross examination he has reiterated his contention that, he was intending to pay the amount to DGO-2, as DGO-1 while talking with his son-in-law asked them to give the money to DGO-2 but, since DGO-2 asked him to pay the money to Puttaraju he gave that money to Puttaraj as per the say of DGO-2. Further suggestion was put to him that, DGO-2 was working as Village Accountant of Hebbur Circle since from a week and earlier to that DGO-1 was working as incharge Village Accountant of Hebbur Circle. But the complainant pleaded his ignorance about these details. All the other suggestions put to him have been categorically denied by the complainant.
26. The shadow witness who has been examined as PW1 gave all the details regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted money of Rs. 30,000/- to the complainant. He further deposed that, he accompanied the complainant and his son-in-law and went to the

office of DGO-2 and when the complainant and his son-in-law went inside the said office, he followed them and was standing near the door watching the happenings taken place when the complainant and his son-in-law met DGO-2 and another person in the said office. He gave details regarding the happenings taken place when the complainant met DGO-2 and further stated that, when the complainant offered money to DGO-2, he/DGO-2 asked the complainant to give that money to the hands of another person/Puttaraju and accordingly the complainant gave that money to Puttaraju. He further gave details regarding recovery of tainted notes from the hands of Puttaraju and obtaining of hand wash of Puttaraju, seizure of the relevant documents pertaining to the complainant from the said office of DGO-2 since DGO-2 himself produced those documents on taking out from his almirah and gave details regarding giving of written explanation by DGO-2 and Puttaraju and also obtaining of photographs and preparation of trap mahazar and other details of the trap proceedings.

27. PW1 has been thoroughly cross examined by the learned counsels for DGOs 1 and 2 separately. PW1 has admitted that, DGO-1 was not present in the said office of DGO-2 when the trap proceedings was conducted. He further admitted that, the Police Inspector did not make efforts to secure the presence of DGO-1 to the spot at the time of conducting trap proceedings. During the cross examination made on behalf of DGO-2, he/PW1 reiterated his contention that, the complainant paid the amount to Puttaraju as per the instruction of DGO-2. He admitted that, since DGO-2 did not receive money from the complainant, hand wash of DGO-2 was not obtained. All the other suggestions put to him by the learned counsels for DGOs 1 and 2 have been categorically denied by him.

28. The investigation officer who is examined as PW3 gave details regarding the various steps he has taken right from the registration of the case on the basis of the complaint filed by the complainant, till the filing of the charge sheet against DGOs no.1 and 2 and also the details of the investigation he has conducted in this case. He deposed about registration of the case and conducting of entrustment proceedings in the Police Station and entrustment of tainted notes of Rs. 30,000/- to the complainant in the said proceedings. He further stated that, on reaching Hebbur the complainant called DGO-1 on his mobile in order to enquire about his availability in the office and according to the disclosure made by the complainant regarding his conversation with DGO-1 on his mobile, DGO-1 told the complainant that, he is out of Hebbur on some official duty and asked him/complainant to give the money in the hands of DGO-2. He further gave details regarding he on receiving signal from the complainant approached him who took them inside the office of DGO-2 and recovery of tainted notes from the hands of Puttaraju and complainant narrated the details of the happenings taken place when he met DGO-2, stating that, DGO-2 asked him/complainant to give that money in the hands of Puttaraju and accordingly, he/complainant claimed that, he paid that money into the hands of Puttaraju as per the instruction of DGO-2. He further gave details regarding giving of written explanation by DGO-2 and Puttaraju as per Ex-P3 and P4 and seizure of documents as per Ex-P6 since DGO-2 produced those documents on taking out from his almirah. He further gave details regarding obtaining of photographs and preparation of trap mahazar in the office of the Hebbur Grama Panchayath.

29. PW3/IO has been thoroughly cross examined on behalf of DGOs 1 and 2 by their learned counsels. He has admitted in his cross examination that, though the complainant had made allegation against Sri Manjunath, predecessor in the office of the Village Accountant, Hebbur Circle, about demand and receiving of bribe amount from him, he never enquired the said Manjunath about the said allegation made by the complainant. He has further stated that, there is Nadakacheri office in Hebbur and office of the Revenue Inspector is also there in the said Nadakacheri office. He further claimed that, DGO-1 could not be secured for interrogation on that day as he was out of Hebbur. The learned counsel for DGO-2 while cross examining this witness/PW3 has put various suggestions suggesting him that, only the complainant and his son-in-law Harikrishna went inside the office of the DGO, but shadow witness never accompanied them and never went inside the said office. But this suggestion has been denied by him. A further suggestion has been put to him that, since the tainted money was recovered from Puttaraju, DGO-1 and 2 are not in any way connected with the said money recovered from Puttaraju. Even this suggestion has been denied by him. On behalf of DGO-2 a further suggestion was put to the IO/PW3 that, Puttaraju never confessed before him that, he received the amount from the complainant as per the instruction of DGO-2 and never voluntarily gave explanation in writing as per Ex-P4, but Puttaraju was forced to give such an explanation in writing as per Ex-P4 and as per his instruction/instruction of the IO, Puttaraju gave such an explanation in writing. Even this suggestion has been denied by PW3.
30. Considering the evidence given by PW1 to PW3 and the documentary evidence produced in this case, the recovery of tainted notes from

the possession of Puttaraju is not at all disputed or denied on behalf of DGOs 1 and 2. In fact the said Puttaraju has been examined as DW-3 as their defence witness by DGOs 1 and 2 who admitted the recovery of Rs. 30,000/- from his possession. But during his defence evidence Puttaraju/DW-3 has claimed that, on that day he had been to the office of the Village Accountant Hebbur along with his friend Narayan since, his friend had some work of obtaining caste and income certificate of his children and when his friend went inside the said office, he/ Puttaraju was standing outside the office and at that time one old person came there and gave him a bundle of notes asking him to count those notes since he was unable to count due to shaking of his hands due to his old age. It is his contention that, while he was counting those notes given to him by the said old man, Lokayukta police caught hold of him and recovered those notes from his possession and obtained his hand wash and asked him to write on a paper as per their instructions and though he resisted and refused to write as per their instructions, he was assaulted and he was threatened by them that they would put him in jail and because of this reason, he was forced to write as per Ex-P4. He claimed that, he never seen DGOs 1 and 2 earlier to that day and he had no acquaintance with them.

31. DW-3 has been thoroughly cross examined by the learned Presenting Officer. He has denied that, his wife Koramma is working as Village Assistant in the office of DGO-2 and since his wife was unwell on that day, on 30.7.2008, he was doing some writing work in the office of DGO-2 as per the direction of DGO-2. But, DW-3 has denied these suggestions. A further suggestion has been put to him that in the morning on that day, DGO-1 was also present in the office and while leaving the office, DGO-1 asked



DGO-2 to receive money from the complainant and left the office in the morning. Suggestions were put to him that, he received money from the complainant as per the instruction of DGO-2 but he has denied that suggestion. Further suggestion put to him that, he voluntarily gave explanation in writing as per Ex-P4, he has denied that suggestion.

32. It is pertinent to note that, DW-3 Puttaraju was also impleaded as accused no.3 and faced trial along with DGOs 1 and 2 in the prosecution launched against them. He has admitted in his cross examination that, he has also faced trial along with DGOs 1 and 2 before Special Court, Tumkur and he and DGOs 1 and 2 have been convicted by the Special Court imposing both sentence of imprisonment and fine against them. He has further claimed that, he and DGOs 1 and 2 have challenged the said judgment and appeal filed by them is pending before the Hon'ble High Court of Karnataka.
33. The copy of the judgment of conviction passed by the special court is not produced either by DGOs 1 and 2 or by Puttaraju for perusal of this authority. Whether, a similar defence contention was taken by Puttaraju/accused no.3/DW3 before the Special Court and the observation made by the learned Special Judge with regard to such a defence contention if taken by them, are not established before this authority. Since DW-3 was a co-accused along with DGOs 1 and 2 who have suffered conviction and sentence imposed by the Special court, the evidence of DW-3 and the defence contention taken by him, cannot be believed. The possibility of DW-3 taking up such a contention in order to save himself and to save DGOs 1 and 2 in the pending criminal appeal and also to save DGOs 1 and 2 in this enquiry, cannot be ruled out. Moreover, DGOs 1 and 2 have not

taken up any such contention in their written statement, regarding the circumstances under which Puttaraju/accused no.3/DW3 gave such an explanation implicating them in the said episode of receiving amount from the complainant. Interestingly, when the complainant was in the witness box, no such contention was taken during his cross examination suggesting him that, he gave note bundle to Puttaraju asking him to count those notes claiming that, he cannot count the notes as his hands are shaking and at his request, Puttaraju was counting those notes when the Lokayukta police caught hold of him. Even no such suggestion was put to shadow witness during his cross examination. Without making any ground to take up such a defence contention, DGOs 1 and 2 chosen to examine the said Puttaraju as their defence witness and taken up such a defence contention through him, but without making a ground to take up such a defence contention and without putting any such suggestion either to the complainant or to the shadow witness. Hence it can be concluded that DGOs 1 and 2 have examined DW-3 asking him to take such a contention which, it appears, as an afterthought. Hence I decline to accept the concocted story he told before this authority. Since he/DW-3 was also a co-accused and faced conviction along with DGOs 1 and 2 in the hands of the learned Special Judge, I disbelieve his evidence.

34. Having disbelieved the evidence of DW-3/Puttaraju, the explanation given by him in writing as per Ex-P4 on the day of trap can be looked into wherein, he has admitted receipt of Rs. 30,000/- from the complainant as per the instructions of DGO-2. The relevant portion reads as follows:

“ನನ್ನ ಹೆಂಡತಿ ಕೊರಮಮ್ಮ ಇವರು ಹೆಬ್ಬಾರು ಗ್ರಾಮ ಲೆಕ್ಕಿಗರ ಕಛೇರಿಯಲ್ಲಿ ಗ್ರಾಮ ಸಹಾಯಕರಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಈ ದಿನ ಅವರಿಗೆ ಹುಷಾರು ಇಲ್ಲದ ಕಾರಣ

ಅವರ ಪರವಾಗಿ ನಾನು ಗ್ರಾಮ ಲೆಕ್ಕಿಗರ ಕಛೇರಿಗೆ ಹಾಜರಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದೇನೆ. ಕಛೇರಿಯಲ್ಲಿ ಬರವಣಿಗೆ ಕೆಲಸ ಹೆಚ್ಚಾಗಿದ್ದರಿಂದ, ನಾನು ಮಾಡಿಕೊಂಡಿರುತ್ತಿದ್ದೆ. ಈ ದಿನ ಮಧ್ಯಾಹ್ನ 3.30ರಲ್ಲಿ ಆರ್.ಐ. ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯರವರು ಯಾರೋ ನನ್ನ ಸ್ನೇಹಿತರು ಬರುತ್ತಾರೆ ದುಡ್ಡು ಕೊಡುತ್ತಾರೆ ತೆಗೆದುಕೋ ಎಂದು ಹೇಳಿದ್ದರು. ಮಧ್ಯಾಹ್ನ 4.30 ಸುಮಾರಿಗೆ ಯಾರೋ ಇಬ್ಬರು ಕಛೇರಿಗೆ ಬಂದರು ಆಗ ಕಛೇರಿಯಲ್ಲಿ ನಾನು ಮತ್ತು ಗ್ರಾಮ ಲೆಕ್ಕಿಗ ಕೃಷ್ಣಮೂರ್ತಿ ಮತ್ತು ನಾನು ಇದ್ದೇವು. ಆರ್.ಐ. ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯನವರು ಹೇಳಿದರು ಪಡೆದುಕೋ ಅಂತ ಹೇಳಿದು ಆ ಮೇಲೆ ಹಣ ತೆಗೆದುಕೊಂಡೇ, ಕಛೇರಿಯಲ್ಲಿದ್ದ ಕೃಷ್ಣಮೂರ್ತಿಯವರು ಆರ್.ಐ. ಹೇಳಿದ ಪ್ರಕಾರ ತೆಗೆದುಕೋ ಅಂತ ಹೇಳಿದರು ಅವರು ಹೇಳಿದಂತೆ ನಾನು ತೆಗೆದುಕೊಂಡೆ.”

35. Since the amount of Rs. 30,000/- has been seized from Puttaraju/DW-3 and both complainant and shadow witness have narrated in detail as to how and under what circumstance the amount was paid to Puttaraju, when considered there is nothing to disbelieve their evidence and the fact of the complainant paying the said amount to Puttaraju as instructed by DGO-2, can be believed.
36. It is the evidence of PW3/IO that, DGO-2 when asked to give his explanation in writing, gave his explanation as per Ex-P3. This contention of the IO finds support in the evidence of both the complainant and also the shadow witness. The fact of giving written explanation as per Ex-P3 by DGO-2 has not been disputed or denied on behalf of DGO-2 or even no such contention denying the giving of written explanation by DGO-2 as per Ex-P3 was taken during their cross examination. A suggestion was put to the IO that, Puttaraju never gave any written explanation as per Ex-P4. But, no such contention was taken regarding giving of written explanation by DGO-2 as per Ex-P3. On perusing Ex-P3, DGO-2 has clearly admitted that, when the complainant came to his office on 29.7.2008, DGO-1 was also present in the said office. DGO-2 has also admitted that, on 30.7.2008 Puttaraju-husband of Komaramma was present in the office. Therefore, the contention taken by Puttaraju, DW-3 that, his presence in the office of DGO-2 was

accidental and his wife is not Komaramma and his wife is not working as Village Assistant in the office of DGO-2, cannot be believed. The relevant portion of written explanation given by DGO-2 as per Ex-P3 reads as follows:

“ ನನಗೆ ಫಿಯಾದಿದಾರರಾದ ರಾಮಕೃಷ್ಣಪುರವರು ನನಗೆ ಪರಿಚಯವಿರುತ್ತದೆ. ಇವರು ದಿ: 29.7.2008 ರಂದು ಹೆಬ್ಬರಿನಲ್ಲಿರುವ ನನ್ನ ಕಛೇರಿಗೆ ಬಂದಿದ್ದರು. ಆ ಸಮಯದಲ್ಲಿ ಮತ್ತು ಆರ್. ಐ. ಶ್ರೀ. ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯರವರು ಹಾಜರಿದ್ದರು. ತಾವು ಈ ಹಿಂದೆ ಗ್ರಾಮಲೆಕ್ಕಿಗರಾದ ಮಂಜುನಾಥ ರವರನ್ನು ಬೇಟಿ ಮಾಡಿ ರಾಮಕೃಷ್ಣಪುರದ ಸರ್ವೆನಂ. 78ರಲ್ಲಿ 4.05 ಗುಂಟೆ ಜಮೀನು ಕ್ರಯಕ್ಕೆ ಕೊಂಡಿದ್ದು, ಖಾತೆ ಬದಲಾವಣೆಗಾಗಿ ಜೆ.ನಮೂನೆಯನ್ನು ತಹಸೀಲ್ದಾರರವರು ಆರ್.ಐ. ಕಛೇರಿಗೆ ಕಳುಹಿಸಿದ್ದರು. ಖಾತೆ ಬದಲಾವಣೆಗಾಗಿ ತಮ್ಮಿಂದ 30,000/-ಗಳನ್ನು ಹಿಂದಿನ ಗ್ರಾಮ ಲೆಕ್ಕಿಗರು ಹಣ ಪಡೆದು ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲಿಲ್ಲವೆಂದು ಆರ್.ಐ. ಎದುರು ತಿಳಿಸಿದರು. ಹಿಂದೆ ಏನು ಮಾತನಾಡಿಕೊಂಡಿದ್ದರೂ ಅದರಂತೆ ಮಾತನಾಡಿಕೊಳ್ಳೋಣ ಎಂದು ಆರ್.ಐ. ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯರವರು ಅರ್ಜಿದಾರರಿಗೆ ತಿಳಿಸಿದರು. ಅವರು ನಾಳೆ ಬರುವುದಾಗಿ ಹೇಳಿ ಹೋದರು.

ಈ ದಿವಸ 30.7.2008ರಂದು ಸಂಜೆ ನಾನು ನನ್ನ ಕಛೇರಿಯಲ್ಲಿದ್ದೆನು. ನನ್ನ ಜೊತೆ ಗ್ರಾಮ ಸಹಾಯಕಳಾದ ಕೊಮರಮ್ಮನ ಗಂಡ ಹಾಜರಿದ್ದರು. ಅ ವೇಳೆಯಲ್ಲಿ ರಾಮಕೃಷ್ಣಪು ಅವರ ಜೊತೆ ಇನ್ನೊಬ್ಬರು ಬಂದಿದ್ದರು. ಆರ್.ಐ. ರವರು ಪೋನ್ ಮಾಡಿ ಬೇಯವರಿಗೆ/ಪುಟ್ಟರಾಜುಗೆ ಕೊಡಲು ತಿಳಿಸಿದ್ದು ಅದರಂತೆ ಹಣವನ್ನು ಪುಟ್ಟರಾಜು ರವರಿಗೆ ನೀಡಿದರು (ಕಛೇರಿ ಹೊರಗಡೆ) ಪುಟ್ಟರಾಜುರವರು ಹಣವನ್ನು ಪಡೆದಿರುತ್ತಾರೆ, ರಾಮಕೃಷ್ಣ ರವರ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಡತವನ್ನು ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯರವರು ಈ ದಿನ 3.00 ಗಂಟೆಗೆ ನನಗೆ ಕೊಟ್ಟಿದ್ದರು ಅದನ್ನು ತಮ್ಮ ಮುಂದೆ ಹಾಜರು ಪಡಿಸಿರುತ್ತೇನೆ.”

37. Though DGO-2 has claimed in Ex-P3 that, he never asked the complainant to give money to the hands of Puttaraju, he has stated that, complainant and another person had come to his office on 30.7.2008 and Revenue Inspector/DGO-1 telephoned asking to give money to other person/Puttarraju and accordingly the complainant gave money to Puttaraju. Since DGO-2 never denied giving of such written explanation as per Ex-P3 and no such contention was taken while cross examining PW1 to PW3, reliance can be placed on Ex-P3 and on that basis the role played by DGOs 1 and 2 in demanding bribe from the complainant and receiving bribe through Puttaraju, can be looked into.

38. DGO-2 who is examined as DW-5 in his evidence except denying the case of the disciplinary authority and taking up a contention that, complainant never met him and his application was not pending in his office and further claimed that, on 30.7.2008 when the Police Inspector came to his office and enquired him, then only he came to know about apprehension of Puttaraju and seizure of money from his possession and further his contention that, the Police Inspector while coming inside his office brought Puttaraju by giving money to him, are all concocted by him just to take up a defence of total denial of the entire episode of demand and acceptance of bribe from the complainant through Puttaraju and hence such a contention taken by DGO-2 cannot be believed. Admittedly, DGO-1 was not present in the office on 30.7.2008 when the complainant came to the office of DGO-2 but, DGO-2 in his written explanation, has admitted in clear terms that, when the complainant came to his office on 29.7.2008, DGO-1 was also present. So far as demand for bribe from the complainant on 29.7.2008 is concerned, though both DGO-1 and DGO-2 have denied the allegation of demand for bribe to the complainant by them, the admission given by DGO-2 in Ex-P3 can be relied upon. The demand was made in such a way that, when the complainant told to both DGO-1 and DGO-2 about the earlier Village Accountant Manjunath though received Rs. 30,000/- from him never attended his work, then DGO-1/Revenue Inspector asked the complainant to stick on to the dealings that was agreed upon earlier thereby, giving a clue to the complainant asking him to give Rs. 30,000/- again to him, in order to attend his work. The relevant portion in Ex-P3 as stated by DGO-2 reads as follows:

“ಹಿಂದೆ ಏನು ಮಾತನಾಡಿಕೊಂಡಿದ್ದರೂ ಅದರಂತೆ ಮಾತನಾಡಿಕೊಳ್ಳಿ ಎಂದು ಆರ್.ಐ. ಲಕ್ಷ್ಮೀ ನರಸಿಂಹಯ್ಯ ರವರು ಅರ್ಜಿದಾರರಿಗೆ ತಿಳಿಸಿದರು.”

39. Therefore, the allegations made by the complainant that, DGO-1 demanded him to pay bribe amount of Rs. 30,000/- when he met him in the office of DGO-2 on 29.7.2008 and such demand was made by DGO-1 in the presence of DGO-2 in his office can be believed and hence the allegation of demand for bribe by both DGO-1 and DGO-2 stands established.
40. DGO-1 has examined himself as DW-4 in support of his defence and his defence is one of total denial. He has taken up a contention that, he never received any application from the complainant and no papers pertaining to the application of the complainant was forwarded to him from the office of the Tahsildar. He claimed that, on 31.7.2008 he was not in Hebbur village and he was not present in the office of the Tahsildar and further claimed that, the complainant never contacted him on his phone and never discussed with him with his application and he never demanded any bribe from the complainant. But, he is silent about the complainant met him on 29.7.2008 in the office of DGO-2 and the deliberations took place between them and the complainant on that day in the office of DGO-2. But, DGO-2 in Ex-P3 has categorically admitted the presence of DGO-1 in his office on 29.7.2008 and when the complainant enquired DGO-1 about his application, DGO-1 putting forth the demand with the complainant asking him to give money as was decided earlier with the earlier Village Accountant Manjunath. The learned counsel for DGO-1 could have cross examined DGO-1/ DW-4 regarding the written explanation given by DGO-2 as per Ex-P3 implicating DGO-1. But no such efforts have been made and the fact of giving of written explanation by DGO-2 as per Ex-P3 has not been disputed or denied on behalf of DGO-1. The complainant in his

complaint has categorically stated about he meeting DGO-1 in the office of DGO-2 and both DGO-1 and DGO-2 demanded him to pay Rs. 30,000/- in order to attend his work. There is nothing to disbelieve the evidence of the complainant and the allegations made in the complaint Ex-P5 with regard to this aspect. Therefore, I have no hesitation to conclude that, both DGOs 1 and 2 having demanded bribe from the complainant, received Rs. 30,000/- through Puttaraju by way of bribe.

41. On behalf of DGOs two more witnesses have been examined viz., Rangegowda who was working as R.R. Shirestedar in the office of the Tahsildar during the relevant period and he stated that, the application of the complainant was received in the office of the Tahsildar on 20.5.2008 and he further gave details as to how the application so received in the office of the Tahsildar will be processed. According to him, after assigning a serial number to the application so filed, form no. 12 and 21 will be generated and the entire file will be forwarded to either Deputy Tahsildar or Revenue Inspector of the concerned Hobli and thereafter, it will be forwarded to the concerned Village Accountant.
42. DW-2 is the earlier Village Accountant against whom the complainant has made allegation that, though he has received Rs. 30,000/- from him, he never attended his work as he came to be suspended. Even DW-2 has admitted that, DGO-1 was working as Revenue Inspector and due to his suspension, DGO-2 became incharge Village Accountant. He claimed that, the application of the complainant came to be rejected earlier vide order dated 2.9.2007 as per Ex-D1(a). The complainant in his cross examination has admitted this fact and claimed that, since his application came to be

rejected for not furnishing the relevant documents, he filed another application subsequently by furnishing all the required documents and that application was forwarded to DGOs 1 and 2 from the office of the Tahsildar and his work was pending with DGOs 1 and 2 as on the date of trap. The Police Inspector has stated in his evidence regarding seizure of relevant documents pertaining to the complainant as per Ex-P6 during the trap proceedings. According to his evidence and the contents of the trap mahazar, DGO-2 has produced those documents during the trap proceedings and the same were seized as per Ex-P6. This fact has not been disputed or denied on behalf of DGO-2. Hence the contention taken by DGO-1 and 2 that, no work of the complainant was pending with them, cannot be believed.

43. It is pertinent to note that, the Special Court after holding detailed trial convicted both DGOs 1 and 2 along with DW-3 Puttaraju and sentenced them to undergo imprisonment and to pay fine. Both DGOs 1 and 2 have admitted this fact in their cross examination and claimed that, the appeal filed by them are pending consideration before the Hon'ble High Court. Therefore, the conviction suffered by DGOs 1 and 2 at the hands of the Special Court is also an additional factor which strengthens the case of the disciplinary authority and persuaded made me to believe the evidence adduced by the disciplinary authority, in this enquiry.
44. Having considered the evidence adduced on behalf of disciplinary authority both oral and documentary, I am of the considered opinion that, the materials produced are sufficient to conclude that, DGOs 1 and 2 have demanded Rs. 30,000/- by way of bribe from the complainant and received the same through Puttaraju wherein




DGO-1 during his talk with the complainant over phone, asked the complainant to give that money either to DGO-2 or to Puttaraju and when complainant tried to give that money to DGO-2 as per the instructions of DGO-1, DGO-2 asked the complainant to give that money to Puttaraju and hence Puttaraju received that money from the complainant as per the instructions of DGO-2 and accordingly, I hold that, both DGOs 1 and 2 are guilty of misconduct of demanding and accepting bribe from the complainant. Point no.1 and 2 are accordingly answered in the Affirmative.

**Point No.3:**

45. Having regard to the discussion made above, and in view of my findings on points no.1 and 2 as above, my finding are as below:

**FINDINGS**

- i. The Disciplinary Authority has proved the charges as framed against the DGO-1 Sri Lakshminarasimhaiah, the then Revenue Inspector of Hebbur Hobli, Tumkur and DGO-2 Sri B.C. Krishnamurthy, the then Village Accountant of Hebbur Circle and incharge of Bisilehalli Circle, Tumkur District.
- ii. As per the First oral statement, the date of birth of DGO-1 Sri Lakshminarasimhaiah is 5.10.1955 and he has already retired from service on 31.10.2015 and the date of birth of DGO -2 Sri B.C. Krishnamurthy is 02.07.1954 and he has already retired from service on 31.07.2014,

  
(S. Renuka Prasad) 28/2/18

Additional Registrar of Enquiries-3  
Karnataka Lokayukta, Bengaluru.

**ANNEXURES****I. Witnesses examined on behalf of the Disciplinary Authority:**

|             |                                                  |
|-------------|--------------------------------------------------|
| <b>PW-1</b> | Sri M.R. Nagarajappa (shadow witness)            |
| <b>PW-2</b> | Sri Ramakrishnappa (complainant)                 |
| <b>PW-3</b> | Sri N.T. Ashwath Narayan (Investigating officer) |

**II. Witnesses examined on behalf of the DGO:**

|             |                                 |
|-------------|---------------------------------|
| <b>DW-1</b> | Sri Rangegowda                  |
| <b>DW-2</b> | Sri S. Manjunath                |
| <b>DW-3</b> | Sri Puttararju                  |
| <b>DW-4</b> | Sri Lakshminarasimhaiah (DGO-1) |
| <b>DW-5</b> | Sri B.C. Krishnamurthy (DGO-2)  |

**III Documents marked on behalf of D.A.**

|               |                                                        |
|---------------|--------------------------------------------------------|
| <b>Ex.P-1</b> | Certified copy of the entrustment mahazar              |
| <b>Ex.P-2</b> | Certified copy of the trap mahazar                     |
| <b>Ex.P-3</b> | Certified copy of the written explanation of DGO-2     |
| <b>Ex.P-4</b> | Certified copy of the written explanation of Puttaraju |
| <b>Ex.P-5</b> | Certified copies of complaint                          |
| <b>Ex.P-6</b> | Certified copy of the records seized by IO             |
| <b>Ex.P-7</b> | Certified copy of the sketch prepared by PWD Engineer  |
| <b>Ex.P-8</b> | Certified copies of the chemical examination report    |

**IV. Documents marked on behalf of DGO:**

|                                 |                                                                    |
|---------------------------------|--------------------------------------------------------------------|
| <b>Ex-D1</b><br><b>Ex-D1(a)</b> | Certified copy of the extract of mutation register dated 2.9.2007  |
| <b>Ex-D2</b>                    | Certified copy of the extract of mutation register dated 24.9.2008 |

**V. Material Objects marked on behalf of the D.A:**

Nil



(S. Renuka Prasad)

Additional Registrar of Enquiries-3,  
Karnataka Lokayukta, Bengaluru.