



KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/503/2016/ARE-3

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 02.08.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Sri
H.P.Raghupathi, Deputy Tahsildar,
Nadakacheri, Gowribidanuru Taluk,
Chikkaballapur District - reg.

Ref:- (1) Government Order No.RD 254 BMM 2016
dated 17.10.2016.

(2) Nomination order No. UPLOK-2/
DE/503/2016 dated 24.10.2016 of
Upalokayukta, State of Karnataka.

(3) Inquiry report dated 31.07.2019 of the
Additional Registrar of Enquiries-3,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 17.10.2016, initiated the disciplinary proceedings against Sri H.P.Raghupathi, Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur 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/503/2016 dated 24.10.2016, nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri H.P.Raghupathi, Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur District, was tried for the following charge:-

“That you the DGO named above, while working as Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur District, having issued a notice to the complainant Sri Gangadharappa S/o late Mahadevappa r/o M.Nagenahally Village of Gowribidanur Taluk, secured his presence to your office on 5.8.2014 in connection with an application filed by his wife Smt. Ambika seeking for change of khatha of lands bearing Sy.No.7/3(0.24 guntas) Sy.No.9/7 (0.21 guntas) in her name, on the strength of the registered gift deed executed by the complainant/husband to her name and made him to roam around to Nadakacheri office on several days and on 26.8.2014 when he approached you and enquired you about the application filed by his wife, you have demanded him to pay Rs.10,000/- by way of bribe in order to change the khatha in the name of his wife and when he approached you again

on 30.8.2014, you again insisted him to pay Rs.10,000/- by way of bribe and after negotiation you have reduced your demand insisting him to pay Rs.8000/- by way of bribe and on 4.9.2014 when he approached you in your office with bribe money, you insisted him to give the money by keeping it in a cover and when he offered you the money by keeping it in a cover, you intelligently avoided to receive the money sensing trouble, thereby you being a public servant, demanded and attempted to obtain from the complainant a sum of Rs.8000/- by way of illegal gratification other than legal remuneration, as a motive or reward for doing an official act viz., change of khatha in the name of the wife of complainant, thereby you have failed to maintain absolute integrity in discharge of your duty as Government Servant and acted in a manner which is unbecoming of a Government servant."

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 charge against DGO Sri H.P.Raghupathi, Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur District.

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


6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO - Sri H.P.Raghupathi, has retired from service on 28.02.2019.

7. Having regard to the nature of charge '*proved*' against DGO - Sri H.P.Raghupathi, Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur District,

- (i) it is hereby recommended to the Government to impose penalty of "permanently withholding 50% of pension payable to the DGO - Sri H.P.Raghupathi, Deputy Tahsildar, Nadakacheri, Gowribidanuru Taluk, Chikkaballapur District".

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 2/8  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No. UPLOK-2/DE/503/2016/ARE-3

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

Date: 29.07.2019

**Enquiry report****Present: Sri.S. Renuka Prasad**  
**Additional Registrar Enquiries-3****Sub:** Departmental Enquiry against Sri H.P. Raghupathi,  
Deputy Tahsildar, Nada Kacheri, Gowribidanur Taluk,  
Chikkaballapura District - reg

- Ref:**
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BD/499/2016/DRE-1 dated 11.8.2016
  2. Government order No. RD 254 BMM 2016 dated 17.10.2016
  3. Nomination Order No.UPLOK-2/DE/503/2016 dated 24.10.2016 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

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1. One Sri Gangadharappa S/o late Mahadevappa M, Nagenahalli Village, Gowribidanur Taluk, Chikkaballapur District (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Chikkaballapur on 3.9.2014 against Sri H.P. Raghupathi, Deputy Tahsildar, Nada Kacheri, Gowribidanur Taluk, Chikkaballapura District (hereinafter referred to as 'DGO' for short) making allegations against him that, he/DGO is demanding him to pay Rs.10,000/- by way of bribe in order to transfer the khatha of certain lands, in the name of his wife, on the strength of a gift deed executed by him in favour of his wife, in respect of those lands. It is his further allegation that, while negotiating with the DGO about the

quantum of amount of bribe demanded by him, the DGO has scaled down his demand insisting him/complainant to pay Rs. 8000/- by way of bribe in order to attend the said work. The complainant having recorded this conversation with the DGO in the voice recorder given to him by the Police Inspector, Karnataka Lokayukta, Chikkaballapur, approached Lokayukta police and filed a complaint against the DGO and on the basis of such a complaint filed by him, the Police Inspector having registered a case against the DGO, tried to trap the DGO in Manchenahalli Nadakacheri office. But the trap was not successful since DGO declined to receive the bribe amount from the complainant, probably on entertaining suspicion regarding the manner in which the complainant offered the tainted notes to him/DGO. Since the trap was not successful, the DGO has been charge sheeted for the offence of demanding bribe from the complainant, in order to do an official act.

2. 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 the DGO providing him an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against him. DGO has submitted his reply dated 24.6.2016 denying the allegations made against him contending that, he never demanded any bribe from the complainant and he has been falsely implicated. It is his further contention that, with respect to change of khatha in the name of the wife of the complainant pertaining to sy.no. 9/7 (0.21 guntas), since certain objections were received, the Revenue Inspector having cancelled the mutation entry, referred the dispute

to him and a proceedings in RRT (DS) 101/2014-15 has been registered and the said case was referred to him for enquiry. DGO has further contended that, he having enquired the said case passed an order dated 25.8.2014 and the copy of the said order was obtained by the complainant on 6.9.2014. Thereafter, the khatha of the said land was transferred in the name of the wife of the complainant and he/DGO was not in any way responsible for any delay in transferring the khatha in the name of the wife of the complainant in terms of the gift deed executed by him in favour of his wife. It is his specific contention that, he never demanded any bribe from the complainant and false allegations have been made against him and he has been falsely implicated in this case and requested this authority to drop the proceedings against him.

3. Since the explanation offered by the DGO was not satisfactory, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority, recommending to initiate disciplinary enquiry against the DGO and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, i.e., the Government of Karnataka in the Revenue Department, by its order in No. RD 254 BMM 2016 dated 17.10.2016 initiated disciplinary proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against the DGO, the Hon'ble Upalokayukta issued a nomination order dated 24.10.2016 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges were framed by the then ARE-3 against the DGO as under.

*“Charge:*

*That you the DGO named above while working as Deputy Tahsildar Naadakacheri Gowribidanur Taluk of Chikkaballapur district, having issued a notice to the complainant Sri Gangadharappa S/o late Mahadevappa R/o M.Nagenahally village of Gowribidanur Taluk, secured his presence to your office on 5.8.2014 in connection with an application filed by his wife Smt. Ambika seeking for change of khatha of lands bearing sy.no. 7/3 (0.24 guntas) sy.no. 9/7 (0.21 guntas) in her name, on the strength of the registered gift deed executed by the complainant/husband to her name and made him to roam around to Nadakacheri office on several days and on 26.8.2014 when he approached you and enquired you about the application filed by his wife, you have demanded him to pay Rs. 10,000/- by way of bribe in order to change the khatha in the name of his wife and when he approached you again on 30.8.2014, you again insisted him to pay Rs. 10,000/- by way of bribe and after negotiation you have reduced your demand insisting him to pay Rs. 8000/- by way of bribe and on 4.9.2014 when he approached you in your office with bribe money, you insisted him to give the money by keeping it in a cover and when he offered you the money by keeping it in a cover, you intelligently avoided to receive the money sensing trouble, thereby, you being a public servant, demanded and attempted to obtain from the complainant a sum of Rs. 8000/- by way of illegal gratification other than legal remuneration, as a motive or reward for doing an official act viz., change of khatha in the name of the wife of complainant, thereby you have failed to maintain absolute integrity in discharge of your duty as Government servant and acted in a manner which is unbecoming of a Government servant*



ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಮಾನ್ಯ ಅಪರ ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತನಿಖಾ ವರದಿ ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ವರದಿಯಲ್ಲಿ ಶ್ರೀ.ಹೆಚ್.ಪಿ.ರಘುಪತಿ, ಉಪ ತಹಶೀಲ್ದಾರ್, ನಾಡಕಚೇರಿ, ಗೌರಿಬಿದನೂರು ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ಆಸನೂರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿದ್ದು ದೂರುದಾರರಾದ ಶ್ರೀ.ಗಂಗಾಧರಪ್ಪ ಬಿನ್ ಲೇಟ್.ಮಹದೇವಪ್ಪ, ಎಂ.ನಾಗೇನಹಳ್ಳಿ ಗ್ರಾಮ, ಗೌರಿಬಿದನೂರು ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ಆಸನೂರನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ದುರ್ನಡತೆ ತೋರಿಸಿದ್ದಾರೆ ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ, ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಸನೂರು ದುರ್ನಡತೆ ತೋರಿಸಿದ್ದಾರೆ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 7(2) ರನ್ವಯ ತನಿಖೆ ಕೈಗೊಂಡಿರುತ್ತದೆ.

## 2) ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ :-

ಎ) ನಾಗೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸ.ನಂ.7/3 ರಲ್ಲಿ 0.24 ಗುಂಟೆ ಹಾಗೂ ಸ.ನಂ.9/7 ರಲ್ಲಿ 0.21 ಗುಂಟೆ ಜಮೀನುಗಳ ಪಹಣಿ ಮ್ಯುಟೇಷನ್ ದೂರುದಾರರ ಹೆಸರಿನಲ್ಲಿದ್ದು, ಮಂಚೇನಹಳ್ಳಿ ಪ್ರಗತಿ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕಿನಿಂದ ಜಮೀನುಗಳ ಮೇಲೆ ಲೋನ್ ಪಡೆಯುವ ಸಲುವಾಗಿ ತನ್ನ ಹೆಸರಿನಲ್ಲಿದ್ದ ಎರಡೂ ಸರ್ವೆ ನಂಬರ್‌ಗಳ ಜಮೀನುಗಳನ್ನು ದಿ.26/5/2014 ರಂದು ತನ್ನ ಪತ್ನಿ ಅಂಬಿಕ ರವರಿಗೆ ನೋಂದಣಿ ದಾನ ಪತ್ರ ಮಾಡಿಸಿರುತ್ತಾರೆ. ಸರ್ವೆ ನಂಬರುಗಳನ್ನು ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡುವ ವಿಷಯವಾಗಿ ದಿ.5/8/2014 ರಂದು ಬೆಳಿಗ್ಗೆ 11.00 ಗಂಟೆಗೆ ಹಾಜರಾಗುತ್ತೇವೆ ಮಂಚೇನಹಳ್ಳಿ ನಾಡಕಚೇರಿಯಿಂದ ನೋಟೀಸ್ ಬಂದಿದ್ದು, ಅದರಂತೆ ದಿ.5/8/2014 ರಂದು ದೂರುದಾರರು ಆಸನೂರನ್ನು ಭೇಟಿ ಮಾಡಿ ನೋಟೀಸ್ ತೋರಿಸಿದಾಗ, ದೂರುದಾರರ ಬಳಿ ಸಹಿ ಮಾಡಿಸಿಕೊಂಡು, ತನಗೆ ಬೇರೆ ಕೆಲಸವಿದೆ, ದಿ.25/8/2014 ರಂದು ಬರುವಂತೆ ತಿಳಿಸಿರುತ್ತಾರೆ. ದಿ.25/8/14 ರಂದು ಆಸನೂರನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ, ಮಾರನೇ ದಿನ ದಿ.26/8/2014 ರಂದು ಬರುವಂತೆ ತಿಳಿಸಿದ್ದು, ಅದರಂತೆ ದಿ.26/8/14 ರಂದು ಆಸನೂರನ್ನು ಭೇಟಿ ಮಾಡಿ ತನ್ನ ಹೆಸರಿನಲ್ಲಿದ್ದ ಜಮೀನುಗಳನ್ನು ತನ್ನ ಪತ್ನಿ ಅಂಬಿಕರವರ ಹೆಸರಿಗೆ ಖಾತೆ ಮಾಡುವ ಬಗ್ಗೆ ಕೇಳಿದಾಗ ಅದಕ್ಕೆ ಆಸನೂರು ರೂ.10,000/- ಕೊಟ್ಟರೆ ಖಾತೆ ಮಾಡಿಕೊಡುವುದಾಗಿ ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಬಿ) ದಿ.30/8/14 ರಂದು ಮತ್ತೆ ಆಸನೂರನ್ನು ಭೇಟಿ ಮಾಡಿ ಖಾತೆ ಮಾಡುವ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಪುನಃ ರೂ.10,000/- ಕೊಡುವಂತೆ ಕೇಳಿರುತ್ತಾರೆ. ದೂರುದಾರರು ಅಷ್ಟು

ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದಾಗ ರೂ.9,000/- ಕೊಡುವಂತೆ ಕೇಳಿದ್ದು, ಕೊನೆಗೆ ರೂ.8,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿರುತ್ತಾರೆ. ಅದಕ್ಕೆ ದೂರುದಾರರು ಜೋಳವನ್ನು ಮಾರಾಟ ಮಾಡಿ ಮಂಗಳವಾರ ಹಣ ತೆಗೆದುಕೊಂಡು ಬರುವುದಾಗಿ ಹೇಳಿದಾಗ, ಮಂಗಳವಾರ ಬೇಡ ಬುಧವಾರ ತೆಗೆದುಕೊಂಡು ಬರುವಂತೆ ಹೇಳಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ನಡೆದ ಎಲ್ಲಾ ಸಂಭಾಷಣೆಯನ್ನು ದೂರುದಾರರು ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್‌ನಲ್ಲಿ ಮುದ್ರಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಸಿ) ದೂರುದಾರರಿಗೆ ಲಂಚದ ಹಣ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದೇ ಇದ್ದುದರಿಂದ, ದಿ.3/9/14 ರಂದು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹಾಜರಾಗಿ, ತನಿಖಾಧಿಕಾರಿಯ ಮುಂದೆ ಲಿಖಿತ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ ಸದರಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮೊ.ಸಂ.10/14 ರಂತೆ ಪಿ.ಸಿ.ಕಾಯಿದೆ ಕಲಂ 7,13(1)(ಡಿ) ಸಹ ಕಲಂ 13(2) ರಂತೆ ಆಸನೌರ ವಿರುದ್ಧ ಪ್ರ.ವ.ವರದಿ ದಾಖಲಾಗಿರುತ್ತದೆ.

ಡಿ) ನಂತರ ದಿ.4/9/14 ರಂದು ದೂರುದಾರರು ಆಸನೌರನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ, ಆಸನೌರು ಹಣವನ್ನು ಪೂರ್ತಿಯಾಗಿ ಕವರ್‌ನಲ್ಲಿಟ್ಟುಕೊಂಡು ಮಧ್ಯಾಹ್ನ 3.00 ಗಂಟೆಗೆ ಬರುವಂತೆ ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಇ) ಸ್ವಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು, ದೂರು ಅರ್ಜಿ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿ ಸಂಗ್ರಹಿಸಿದ ದಾಖಲೆ ಮತ್ತು ಇತರ ಅಂಶಗಳು ದೂರುದಾರರ ಪತ್ನಿಯ ಹೆಸರಿಗೆ ಖಾತೆ ಮಾಡಿಕೊಡಲು ಲಂಚಕ್ಕೆ ಒತ್ತಾಯಿಸಿದ್ದು, ಆಸನೌರ ಸತತವಾದ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ.

3) ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ 'ಆಸನೌರು' ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ 'ಆಸನೌರು' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, 'ಆಸನೌರು' ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

4) ನಂತರ, ಆಸನೌರಿಗೆ ವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಅವರ ದುರ್ನಡತೆಯ ಬಗ್ಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಂಬಂಧ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸ್ಸು ವರದಿ ಕಳುಹಿಸಬಾರದು? ಎಂಬ ಬಗ್ಗೆ ಕಾರಣಗಳನ್ನು ಕೇಳಲಾಯಿತು. 'ಆಸನೌರು' ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಸಂಗತಿಗಳನ್ನು ನಿರಾಕರಿಸಿ, ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳಿಗಾಗಿ ತಮ್ಮ ವಿರುದ್ಧದ ತನಿಖೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ. ಆದರೆ, ಆಸನೌರು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳು ಸೂಕ್ತ ಅಥವಾ ಸಮಾಧಾನಕಾರಕವಾಗಿರುವುದಿಲ್ಲ.

5) ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, 'ಆಸನೌರು' ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ, ನಿಯಮಗಳು 3(1)(ii) ಮತ್ತು (iii)

ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ 'ಆಸನೌರ' ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, 'ಆಸನೌರ' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಆ.ಸ.ನೌರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ಮನವಿ ಮಾಡಿ ಆದೇಶ ಹೊರಡಿಸಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.”

4. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO has appeared before this authority and First Oral Statement of the DGO was recorded. DGO has denied the charges framed against him. He has engaged the services of an Advocate, to appear on his behalf and to defend him, in this enquiry.
5. DGO has filed his written statement on 5.7.2017 contending that, he has not committed any misconduct as alleged against him in the AOC and denied the charges levelled against him. He has reiterated all the contentions he has urged in his reply to the observation note. It is his further contention that, in pursuance to the charge sheet filed against him alleging demand for bribe made against him, he was kept under suspension and he challenged the order of his suspension by filing application before KAT in A.No. 5355/2015 and the KAT vide order dated 20.4.2017 allowed his application and quashed his order of suspension and he has been reinstated. He has taken up a further contention that, the delay in considering the application filed in the name of the wife of the complainant seeking for transfer of khatha of certain lands in terms of gift deed executed

by the complainant in favour of his wife, was due to the pendency of RRT proceedings against him and soon after the disposal of the said proceedings, the khatha was transferred in the name of the wife of the complainant without any further delay. He has taken up a further contention that, the complainant and his wife approached him and insisted him to receive money and though he refused to receive any money for the favour shown by him to them, Lokayukta police have filed false charge sheet against him. It is his further contention that, he had already passed order dated 25.8.2014 in the RRT proceedings pending before him and subsequent to disposal of the said case, passing favourable order in favour of the wife of the complainant, the complaint came to be filed by the complainant against him subsequently on 30.8.2014. According to him, since no work of the complainant was pending with him as he had already disposed of the RRT proceedings and passed favourable orders in favour of the wife of the complainant on 25.8.2014 itself, question of he demanding any bribe from the complainant does not arise and requested this authority to drop the proceedings against him and to exonerate him from the charges levelled against him.

6. During enquiry, 2 witnesses i.e., the complainant and investigation officer have been examined as PW1 and PW2 and 19 documents came to be marked as Ex-P1 to Ex-P19 on behalf of the disciplinary authority. The shadow witness has not been examined in this enquiry since trap was not successful and hence the evidence of shadow witness is unnecessary in this proceedings. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGO was recorded. Since, DGO desired to lead defence evidence, permission was granted to him accordingly. DGO has examined himself as DW-1. One document came to be marked

as Ex-D1 in support of the defense of the DGO during his defense evidence.

7. Thereafter, the learned Presenting Officer and the learned counsel for DGO have filed their written arguments. Thereafter, this matter is taken up for consideration.

8. The points that would arise for my consideration are:

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

**Point No.2:** What order?

9. The above points are answered as under:

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

**Point No.2:** As per Conclusion.

### **REASONS**

**Point No.1:-**

10. DGO was working as Deputy Tahsildar, Manchenahalli Nada Kacheri, Gowribidanur Taluk, Chikkaballapura District, during the relevant period.

11. The complainant in his complaint has narrated in detail the circumstances under which he has filed the said complaint against the DGO. According to him, he is having lands in sy.no. 7/3 (0.24 guntas) and 9/7 (0.21 guntas) in his name. He wanted to raise loan towards improvement of the said agricultural lands. Since he was told that, loan will be easily provided to women having agricultural lands in her name, he executed a registered gift deed in favour of his wife gifting those 2 lands in her name. Thereafter, an application was filed to the O/o Tahsildar, Gowribidanur, requesting for transfer

of khatha of those two lands in the name of his wife on the strength of gift deed executed by him in favour of his wife. It is his further contention that, he has received a notice from Manchenahalli Nada Kacheri office asking him to come to the office on 5.8.2014 and accordingly, he met the DGO on that day and showed him the notice he has received. It is the allegation that, the DGO having obtained his signature, asked him to come on the next day and accordingly, he met the DGO on 26.8.2014 and enquired him about the transfer of khatha of the lands which he has gifted in favour of his wife, in her name. It is the allegation of the complainant that, DGO put forth the demand for bribe demanding him to pay Rs. 10,000/- by way of bribe, saying that then only he would transfer the khatha in the name of his wife. It is his further contention that, he having taken time from the DGO, approached Lokayukta police and informed the Police Inspector about the demand for bribe being made by the DGO. The Police Inspector gave him a voice recorder asking him to approach the DGO again and to discuss about his work and to record the conversation with him in the said voice recorder. The complainant having taken the voice recorder with him, again met the DGO on 30.8.2014 and discussed with him about his work of transfer of khatha in the name of his wife and pleaded his inability to pay that much amount as demanded by him and during such negotiation, DGO having scaled down his demand insisted the complainant to pay him Rs. 8000/- in order to attend his work. The complainant promising the DGO that, he would bring the amount on Tuesday, and having recorded the said conversation he had with the DGO, in the voice recorder provided to him, approached the Police Inspector on 3.9.2014 and filed an oral complaint which was reduced into writing (typed with a computer) as per Ex-P1.

12. On the basis of the complaint so filed by the complainant on 3.9.2014 the Police Inspector, Karnataka Lokayukta, Chikkaballapur, has registered a case in Cr. No10/2014 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
13. An entrustment proceedings was conducted in the Lokayukta Police Station, Chikkaballapur on 3.9.2014 in the presence of two panch witnesses viz., Sri.V.Nareppa Reddy, Asst. Teacher from Government High school, and Sri.N.Shivanna, Asst. Teacher from Government Girls High school, Vapasandra, chikkaballaura and in the said proceedings, the bait money of Rs. 8000/- consisting of 16 currency notes of Rs. 500/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking him to give that money to the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri.V.Nareppa Reddy was decided to be sent along with the complainant as a shadow witness.
14. The complainant and shadow witness were taken to Nadakacheri office, Manchenahalli on 3.9.2014 at about 1.00 pm, but due to non-availability of the DGO in the office and since the DGO has not received the call from the complainant on his mobile, the trap was postponed for the next day.
15. The complainant and shadow witness were again sent to Nadakacheri office, Manchenahalli on 4.9.2014 by again entrusting the tainted notes to him. and also entrusting him a voice recorder asking him to record the conversation with the DGO while paying money to him. When the complainant met the DGO in the

Nadakacheri office, Manchenahalli and enquired him about his work, DGO told him that, his work would be attended within 3 to 4 days and asked him to give money as demanded. complainant took out the tainted notes and offered those notes to the DGO. DGO gave him/complainant a cover/envelope and asked him to keep the money in the said cover and give the said cover containing money to him. The complainant while inserting the notes inside the said cover, inserted only half portion of the tainted notes inside the cover so that that the DGO while receiving the cover, the tainted notes could come in contact with the hand of DGO. But the DGO declined to receive the cover containing money asking the complainant to insert the notes fully inside the cover. But the complainant again handed over the cover without inserting the notes fully in the cover, even after DGO giving instructions to the complainant repeatedly telling him for about 3 to 4 times, asking him to insert the notes fully inside the cover. But the complainant having ignored such instructions repeatedly tried to give the cover with half portion of the notes protruded outside the cover, DGO refused to receive the cover containing money as offered to him by the complainant and asked him to come after lunch. When the complainant again met the DGO and offered him money telling him that, he cannot wait till 3pm as he has got some other work to attend, the DGO asked him to come on the next day. Hence, the Police Inspector brought the complainant and the witnesses back to the Police Station as the trap planned on 4.9.2014 was not successful. The voice recorder and tainted notes were taken back from him and the voice recorder when played in the presence of panch witnesses, was found to contain the conversation took place between the complainant and the DGO, on the 1<sup>st</sup> time and also on the 2<sup>nd</sup> time, were found recorded on it. The same were transferred into CD. The Police Inspector gave instructions to the complainant asking him to come to the Police



Station, only after ascertaining the availability of the DGO and confirming that, he is ready to receive money from him.

16. The complainant again went to Nadakacheri office on 5.9.2014 and waited for the DGO. Since the DGO did not come to the office on that day, the complainant contacted the DGO on his mobile on 6.9.2014, DGO asked him to come on 8.9.2014. When the complainant contacted the DGO on 8.9.2014 on his mobile, he asked him to come on 11.9.2014. When the complainant contacted the DGO on his mobile on 11.9.2014, DGO asked him to send the money through his wife. Hence, the complainant approached Lokayukta police on 11.9.2014 and the Police Inspector asked the complainant to contact the DGO on his mobile to ascertain his availability in the Nadakacheri office. Though the complainant tried to contact the DGO on his mobile, DGO did not receive the call and cut off the call. Thereafter, the wife of the complainant was made to contact the DGO but the mobile of the DGO was found to be switched off. Hence, the Police Inspector wound up the trap proceedings on the ground that, the trap may not be successful since the DGO must have entertained suspicion about the complainant
17. The Police Inspector on continuing the investigation issued notice to the DGO secured his presence in the Police Station on 11/11/2014 and his sample voice was obtained. He was asked to give his explanation in writing and the DGO gave his explanation in writing as per Ex P13.
18. Having collected the sample voice of the DGO, the conversation recorded by the complainant with the DGO, earlier to registration of the case and during the attempted trap conducted on 4.9.2014,

those conversations were sent to Truth Labs for identification of the voice of the DGO. On comparing the sample voice of the DGO with that of the voice contained in the conversations, experts in the Truth Labs furnished report confirming the voice of the DGO in those conversations. On the basis of the said report and also on collecting sufficient materials during investigation, charge sheet came to be filed against the DGO with the allegation of demand for bribe by the DGO from the complainant, to attend his work of transfer of khatha in the name of his wife, in terms of the gift deed executed by him in favour of his wife.

19. During enquiry the complainant has been examined as PW-1. He narrated in detail regarding the circumstances which forced him to file complaint against the DGO and also the demand for bribe made by the DGO to attend the work of transfer of khatha in the name of his wife in terms of the gift deed executed by him in favour of his wife. He claimed that, since the Police Inspector provided him a voice recorder asking him to contact the DGO again and to record the conversation with him in the said voice recorder, on discussing with him about his work, he again met the DGO on 30.8.2014 and discussed with him about his work and recorded the conversation with him in the voice recorder entrusted to him. Since the DGO asked him to come on next Wednesday with the money, he/complainant approached Lokayukta police on 3.9.2014 and filed a complaint and along with his complaint he has produced the copies of the RTCs pertaining to his two lands which he has gifted in the name of his wife and also the copy of the notice received from Nadakacheri office and also the copy of the gift deed he has executed in the name of his wife, in support of his complaint allegations.

20. He gave evidence in detail regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted notes of Rs. 8000/- to him in the said proceedings. He further narrated in detail regarding the attempted trap on 3.9.2014 and due to non-availability of the DGO in the office, the proposed trap on that day was postponed to the next day. He further gave details regarding the happenings took place when he met the DGO on 4.9.2014.
21. He deposed in his evidence that, on 4.9.2014 the Police Inspector having entrusted him a voice recorder and the tainted notes sent him along with the shadow witness, asking him to meet the DGO in the Nada Kacheri office. It is the evidence of the complainant that, when he met the DGO and enquired him about his work, DGO told him that, his work will be attended within 3 or 4 days and asked him/complainant to give money. He/PW1 has further stated that, when he offered the tainted notes to the DGO. He/DGO did not receive the notes offered to him, instead gave him a cover/envelope asking him to keep the money in the said cover and give it to him. It is the further evidence of the complainant that, he on receiving the cover from the DGO, inserted the notes in the said cover but while inserting the notes, he did not insert the notes fully inside the cover but inserted only half portion of the notes by leaving the other half portion of the notes protruded outside the cover. But the DGO did not receive that cover containing money and asked the complainant to fully insert the money inside the cover. It is his evidence that, though the DGO gave him instructions on 3 to 4 times to insert the notes fully inside the cover, since he/complainant repeatedly kept the portion of the notes protruded out of the cover despite his/DGOs repeated instructions, DGO refused to receive the said cover asking him to come at 3pm. It is his further evidence that, though he met the DGO again and tried to give him the cover containing notes,

DGO did not receive the cover containing money and told him that, he has some doubts about him and asked him to come on the next day. PW1 further stated that, the conversation took place between him on 1<sup>st</sup> and 2<sup>nd</sup> time when he tried to offer money to the DGO, has been recorded by him in the voice recorder entrusted to him and since the DGO expressed his doubts raising suspicion on him, the complainant returned and narrated the details to the Police Inspector and all of them returned to the Police Station since the trap was not successful. He further gave evidence that, the conversation with the DGO recorded by him in the voice recorder were transferred to CDs and the Police Inspector asked him to come on the day after ascertaining availability of the DGO on talking with the DGO on his mobile and if the DGO willing to receive money.

22. PW1 has further gave details regarding the repeated efforts made by him to contact the DGO on his mobile but the DGO did not receive his calls. It is his further evidence that, when his wife contacted the DGO on his mobile, DGO asked her to come with the money and while talking with his wife, DGO objected for him/complainant approaching him/DGO with some other person and asked her/wife of the complainant to come alone and to meet him and to give money to him asking her not to bring any person with her. It is his further evidence that, he narrated all these details to the Police Inspector and the Police Inspector made him to contact the DGO again but the calls made to him were not received by him and he refused to respond to his calls and hence the Police Inspector thought that, the DGO must have entertained doubts about the complainant and hence decided to call off the proposed trap.
23. The complainant has been cross examined by the learned counsel for the DGO. Various questions were put to him about the reason as

to why he gifted those lands in the name of his wife and also the application filed by him in the name of his wife requesting for transfer of khatha in the name of his wife on the strength of that gift deed. A suggestion was put to him that, he and his wife were asked to appear before the DGO in connection with a RRT proceedings since some objections were filed by some objectors opposing transfer of khatha of one land in the name of his wife. The complainant denied receiving of any such notice and pleaded his ignorance about filing of objections opposing transfer of khatha in terms of the gift deed executed by him in favour of his wife. One document was confronted to him asking him to identify the signature of his wife but the complainant did not identify the signature of his wife on the said document claiming that, he cannot identify the said signature. But the said document is not produced during the cross examination of PW1 or during the defence evidence of the DGO. A specific suggestion was put to him/PW1 that, even earlier to filing of the complaint by him, the khatha and mutation have already been transferred in the name of his wife on 25.8.2014 itself. He denied the said suggestion claiming that, he had no knowledge or information about any such order passed by the DGO on 25.8.2014. He reiterated his contention even during his cross examination that, he tried to meet the DGO on two occasions in order to give money to him. Various suggestions have been put to him, but all those suggestions have been categorically denied by him/PW1.

24. Sri A.G. Manjegowda, Police Inspector, in his evidence gave details regarding entrustment of voice recorder to the complainant on 28.8.2014 when the complainant told him about demand for bribe being made by the DGO, asking him to meet the DGO again and to record the conversation with him about the demand for bribe being made by him. He further deposed that, the complainant again came

to the Police Station on 3.9.2014 and gave his oral complaint which was reduced into writing by getting it typed in the computer as per Ex-P1 and the complainant has also produced certain documents while giving his complaint, in support of his allegations.

25. PW2 further gave evidence regarding conducting of entrustment proceedings and entrustment of tainted notes of Rs. 8000/- to the complainant in the said proceeding. He further stated in detail that, the voice recorder in which the complainant recorded the conversation with the DGO was played and the said conversation was transferred into CD and the said CD was seized.
26. He further gave details regarding the attempted trap on the DGO on 3.9.2014 and due to non-availability of the DGO the proposed trap on that day was not successful. He further stated that, on the next day i.e., on 4.9.2014 the complainant and shadow witness were sent to meet the DGO and the complainant having returned informed him that, DGO did not receive money from him. He gave details regarding the complainant narrated before him regarding the details of the happenings took place when he met the DGO. According to him, the complainant narrated before him the reason why the DGO refused to receive money from him. It is his evidence that, complainant while narrating before him regarding the happenings taken place when he met the DGO, told him that, when asked for money by the DGO, he offered money to him but, DGO gave him a cover asking him to keep the money in the said cover and give that cover containing money to him but the complainant while inserting money inside the cover, inserted only half portion of the notes inside the cover and the remaining half portion of the notes are visible outside and despite his repeated instructions the complainant since did not insert the notes fully inside the cover, DGO refused to

receive the cover with money as offered by him by the complainant asking him to come at 3pm. and when he/complainant met the DGO again, DGO refused to receive money from him asking him to come on the next day and hence the trap planned on 4.9.2014 was also not successful.

27. PW2 further gave details regarding the attempts made by the complainant to contact the DGO on his mobile, as narrated by the complainant before him and the efforts made by the complainant to contact the DGO on his mobile was not successful as the DGO refused to receive his calls and switched off his mobile. It is the evidence of PW2 that, the complainant told him that, though DGO did not respond to the calls made by him, he/DGO responded to the call of his wife asking her to come alone with the money and meet him in the Nadakacheri office and give money to him. He further gave evidence that, when he made the wife of the complainant to contact the DGO on his mobile, DGO did not receive even the call of the wife of the complainant. It is his further evidence that, the complainant again approached him on 16.9.2014 and told him that, the DGO is not responding to his calls and there is no chance of DGO receiving bribe money from him as he entertained suspicion about him. The Police Inspector has deposed that, because of that reason and since the complainant was not sure of the DGO receiving money from him, the proposed trap of the DGO was dropped. He has further stated that, the voice recorder entrusted to the complainant on 4.9.2014 was containing the conversation taken place between the complainant and the DGO when the complainant met the DGO on the first occasion and also on the 2<sup>nd</sup> occasion and those conversation have been transferred into CD for sending it to obtain experts opinion.

28. PW2 has further gave evidence regarding the details of the investigation he has conducted in this case. He deposed that, on issuing notice to the DGO his presence was secured in the Police Station on 11.11.2014 and his sample voice was obtained under a mahazar as per Ex-P14. It is his further evidence that, DGO gave his explanation in writing as per Ex-P13.
29. He further deposed that, he having obtained the sample voice of the DGO sent the sample voice along with the conversations containing the voice of the DGO to the Truth Lab for obtaining expert opinion and received the report of the expert as per Ex-P15. He narrated in detail regarding the various steps he has taken during the course of the investigation, obtaining of call details of the complainant and the DGO as per Ex-P16, obtaining the documents pertaining to the complainant regarding transfer of khatha in the name of his wife, as per Ex-P17 and other details of the investigation he has conducted.
30. PW2 has been cross examined by the learned counsel for DGO. Various suggestions have been put to him during his cross examination but all those suggestions have been categorically denied by PW2. On considering the cross examination of PW2 and the details elicited during his cross examination, there is nothing to disbelieve the evidence of PW2 in so far as the investigation he has conducted in the case and the attempts made by him to trap the DGO in view of the specific allegation of demand for bribe made by the DGO with the complainant.
31. The complainant has categorically stated about entrustment of voice recorder to him on 30.8.2014 and he having armed with the voice recorder met the DGO and discussed with him about his work and recording of the conversation with the DGO wherein, the DGO



having put forth demand for bribe of Rs. 10,000/- scaled down his demand to Rs. 8000/- insisting him/complainant to pay Rs. 8000/- in order to attend the said work. The complainant has confirmed even during his evidence about recording of his conversation with the DGO in the voice recorder entrusted to him. The Police Inspector/PW2 also confirmed entrustment of voice recorder to the complainant on 30.8.2014 and the complainant while filing the complaint produced the said voice recorder which contained the conversation he had with the DGO and transfer of the said conversation from the said voice recorder to the CD and seizure of the said CD during the entrustment proceedings.

32. The complainant has further stated about the happenings taken place on 4.9.2014 when he met the DGO in his office. He has further claimed that, he was entrusted with a voice recorder and he recorded the conversation with the DGO in the said voice recorder when he met him on 2 occasions.
33. The complainant further gave details as to the happenings took place when he met the DGO and also the reason for the DGO refusing to receive money from him. He has reiterated his contention in his evidence that, when the DGO demanded money, he offered money to him but, the DGO gave him a cover/envelope asking him to keep the money in the said cover and give the cover containing money to him. The complainant has further deposed that, while inserting the notes inside the cover, he deliberately inserted only half portion of the notes inside the cover and the remaining half portion of the notes are protruded outside the cover and according to him, he kept those notes in the cover in the said manner so that, the portion of the tainted notes can come in contact with the hand of the DGO while receiving the said cover containing money from him.

He has further stated that, despite the DGO repeatedly telling him, asking him to keep the entire notes inside the cover, he intentionally kept on keeping only half portion of the notes inside the cover, keeping the other half portion of the notes protruded out of the cover and visible to the DGO, for that reason he/DGO did not receive the said cover containing money from him. He has further stated that, though as per the instructions of the DGO he met the DGO again and offered cover containing money to him, DGO did not receive it asking him to come on the next day.

34. He has further claimed that, he has recorded the conversation with the DGO when he met him on the first occasion and even on the 2<sup>nd</sup> occasion when he/DGO asked him to come on the next day. He further gave evidence that, he made his wife to speak with the DGO as he/DGO refused to speak with him repeatedly and when his wife spoke to the DGO, DGO told her that, he has got doubts about her husband and asked her/wife of the complainant, to come alone with the money and give that money to him in the office. The Police Inspector in his evidence has stated that, since the DGO refused to respond the calls of the complainant, he made his wife to speak with the DGO but the DGO did not respond thereby refused to receive the call even from the wife of the complainant. Though the complainant and the Police Inspector gave evidence regarding these details, no cross examination have been made in so far as the various aspects of these details narrated by them in their chief examination. Hence, I am of the considered opinion that, there is nothing to disbelieve the evidence given by PW1 and PW2 so far as these details as narrated by them, in their chief examination.
35. DGO has adduced his defence evidence by tendering his evidence by way of sworn affidavit in lieu of his chief examination and contended

that, the mutation of land bearing sy.no. 7/3 and 9/7 could not be transferred in the name of the wife of the complainant in terms of the gift deed executed by the complainant in favour of his wife since, one Harish filed objections opposing the transfer of mutation in respect of the said lands in favour of the wife of the complainant and because of this reason in order to decide that objection, a RRT proceedings was initiated. He further gave details about the RRT proceedings no. 101/2014-15 the copy of which is produced as per Ex-P18. According to him, he has disposed of the said proceedings vide order dated 25.8.2014 directing to transfer the khatha of sy.no. 9/7 and 7/3 in the name of the wife of the complainant in terms of the gift deed dated 26.5.2014. It is the specific defence contention of the DGO that, since he had disposed of the said RRT proceedings on 25.8.2014 itself, there was no occasion for him to demand for any bribe from the complainant on 30.8.2014 as no work pertaining to the complainant was pending with him as on that day. He has taken up a further defence contention that, the complainant is having questionable reputation and he is in the habit of filling complaints against Government servants to threaten them. It is his further contention that, he never demanded any bribe from the complainant as no work of the complainant was pending with him as on that day of filing of the complaint by him and contended that, he has been falsely implicated. Further, he has produced the copy of the judgment dated 5.1.2018 passed by Principal Session Judge and Special Court, Chikkaballapura in PCA.CC No. 6/2015 wherein, the learned Special Judge acquitted him absolving him from the charges levelled against him and taken up a contention that, since he has been exonerated from the charges levelled against him by the Spl. Court, he has to be absolved from the charges levelled against him even in this enquiry.

36. Learned Presenting Officer has cross examined him at length. During his cross examination, DGO has admitted that, in order to show that, the order passed by him dated 25.8.2014 in the RRT proceedings, has been communicated to the complainant and he was aware of the said order, no documents have been produced. Various suggestions have been put to him and the DGO has conveniently denied all those suggestions. A specific suggestion was put to him that, though he passed an order dated 25.8.2014 in favour of the complainant, without disclosing the said order and without communicating that order to the complainant or his wife and taking advantage of the favourable order passed in favour of the complainant, in order to extract money from him, demanded bribe from him insisting the complainant to pay Rs. 10,000/- to attend his work. This suggestion has been denied by the DGO during his cross examination.

37. Considering the evidence adduced on behalf of disciplinary authority, through PW1 and PW2 and the documentary evidence produced in this enquiry, the complainant having executed a gift deed in favour of his wife, filed an application seeking for transfer of mutation in the name of his wife in terms of the said gift deed. Since one Harish filed objections opposing transfer of mutation in the name of the wife of the complainant and hence the dispute was referred to the DGO by way of RRT proceedings which the DGO has disposed of on 25.8.2014 as per Ex-P4. It is the specific allegation of the complainant that, he met the DGO on 25.8.2014 but DGO asked him to come on the next day. It is the further contention of the complainant that, when he met the DGO on 26.8.2014, DGO put forth demand for bribe asking him/complainant to pay Rs. 10,000/- by way of bribe saying him that then only he would attend his work. There is nothing on record to believe that, the order passed by the

DGO in the RRT proceedings dated 25.8.2014 was made known to the complainant on 26.8.2014. Hence, it can be concluded that, without disclosing the favourable order passed by him and taking advantage of that order, DGO planned to extract money from the complainant by demanding him bribe of Rs. 10,000/-.

38. It is the further contention of the complainant that, he having armed with voice recorder met the DGO on 30.8.2014 and discussed with him about his work and pleaded his inability to satisfy his demand and the DGO during negotiation with the complainant scaled down his demand and insisted the complainant to pay Rs. 8000/- by way of bribe. The conversation recorded by the complainant in the voice recorder entrusted to him contains the specific demand for bribe made by the DGO with the complainant. The gist of the transcription of the said conversation has been incorporated in the entrustment mahazar Ex-P6 wherein the DGO asked the complainant to give the demanded amount saying that, by reducing the amount more or less one or two and specifically conversed with the complainant asking him to pay Rs. 8000/- as per the transcription incorporated in Ex-P2. Considering the cross examination of the complainant, there is nothing to disbelieve the complaint averments and also the evidence given by the complainant so far as the demand for bribe made by the DGO with the complainant.

39. Admittedly the trap was not successful as DGO did not receive the bribe amount from the complainant during attempted trap. The complainant gave details that, when he went to the O/o DGO on 3.9.2014, he was not available in the office and hence he met the DGO on 4.9.2014 and when he met him at about 12.30pm, DGO did demand for bribe asking the complainant to pay him money as demanded. It is the evidence of the complainant that, when he

offered the money to the DGO, he did not receive it but, gave him a cover/envelope asking him to keep the money inside the cover and give that cover containing money to him and accordingly, DGO kept the money inside the cover but intentionally not inserted the full portion of the currency notes inside the cover but kept those notes only half portion inside the cover and remaining half portion protruded and visible outside the cover. It is his further evidence that, despite the DGO giving instructions to keep the notes fully inside the cover, he kept on keeping the notes half protruded outside the cover and because of this reason DGO did not receive the cover containing money from him. It is his further evidence that, as per the direction of the DGO though, he again met him at about 1pm, DGO did not receive money from him and asked him to come tomorrow. It is the specific contention of the complainant that he has recorded the conversation of these circumstances when he spoke with the DGO, in the voice recorder entrusted to him. The complainant has further disclosed the efforts made by him to contact the DGO subsequent to 4.9.2014 but the DGO never responded. The complainant has further stated that, when his wife contacted him on his mobile, DGO asked her to come alone with the money and give that money to him telling her that, he has got doubts about her husband. The complainant has reiterated this allegation even in his evidence. But this part of the evidence given by the complainant is not specifically disputed or denied on behalf of the DGO during the cross examination of the complainant.

40. The allegation of demand for bribe made by the DGO has been established on behalf of disciplinary authority, by way of producing the report of the expert/
41. Truth Lab. PW2/the IO has stated in his evidence that, he having secured the presence of the DGO on 11.11.2014 obtained his

sample voice and sent the sample voice of the DGO with that of the conversation recorded by the complainant with the DGO on 30.8.2014 and also on 4.9.2014 to the Truth Lab to obtain the report of the expert and he received the report as per Ex-P15 from the Truth Lab. On perusing the report Ex-P15 the sample voice of DGO along with the recorded conversation which was stored in 2 CDs have been forwarded to the truth lab along with the transcription of the said conversation for comparison of the voice of the DGO in the said 2 conversations with that of the sample voice of the DGO. On comparing the voice of the DGO in the said 2 conversations with that of the sample voice, the expert referred the two conversation as questioned conversations Q1 and Q2 and compared the voice of those two conversation with that of the sample voice of the DGO collected as S1 and S2. Even for ascertaining whether the audio recordings Q1, Q2, S1, S2 are authenticate or not, the file property and file header analysis were carried out and confirmed the authenticity of the audio recordings. Even the said audio recordings were subjected to Acoustic analysis, audio authentication, Forensic speaker identification, auditory analysis, spectrographic analysis and concluded that, the sample voice of the DGO matches with the voice of the DGO in the questioned conversation and concluded by way of report which reads as follows:

#### "REPORT

Based on the above examinations, observations, findings and inferences it is opined that:

1. The voice characteristics of the speakers 'Q1/1' & 'Q2/1' in the recordings 'Q1' & 'Q2' are matching with the characteristics of the speakers in the recordings 'S1' and 'S2'.

2. Hence it is concluded that the recordings 'Q1' & 'Q2' in 'item-1' and 'Item-2' contained the conversations between two persons, one of whom was the person whose specimen voice were recorded in the recordings 'S 1' and 'S2' in 'Item-3'."
42. The report of the Truth Lab produced as Ex-P15, has not been disputed or denied on behalf of the DGO. Only objection raised with regard to this report is that, the report has been concocted just to prosecute the DGO. On considering the report, Ex-P15, a detailed analysis has been made in order to compare the voice of the DGO in the questioned conversations with that of the sample voice of the DGO. There is nothing to disbelieve the report of the expert of truth Lab, with regard to the opinion expressed in Ex-P15.
43. Proof of electronic record is a special provision introduced by the Information Technology Act, amending various provisions under the Evidence Act. The Special provisions on evidence relating to electronic record shall be governed by the procedure prescribed under Section 65B of the Evidence Act. But it is now well settled that, the Evidence Act is not applicable to the disciplinary proceedings and strict and sophisticated rules of evidence do not apply to such enquiries. Material which may not be strictly admissible in evidence in a court of law, can nonetheless be admitted into evidence in disciplinary enquiries provided, the enquiry officer is satisfied about the credibility of evidence to be so admitted. Keeping in view the above legal position, the report of the scientific officer with regard to the recorded conversation said to have been recorded by the complainant in the voice recorder entrusted to him on 30.8.2014 and 4.9.2014, needs to be appreciated.



44. Considering the evidence adduced on behalf of the disciplinary authority through PW1 and PW2, with reference to the defence evidence adduced by the DGO and having regard to the nature of the defence taken by the DGO which is one of total denial, when considered with reference to the report of the expert of Truth Lab, I am of the considered opinion that, there is nothing to disbelieve the evidence of PW1 and PW2 and even there is nothing to disbelieve the report of the expert with regard to the authenticity of the conversation and matching of the sample voice of the DGO with that of the voice of the DGO in the questioned conversations. Hence, I have no hesitation to conclude that, DGO is guilty of misconduct in demanding bribe from the complainant and he put forth demand for bribe when the complainant met him on 26/08/2014 without disclosing the order passed by him dated 25.8.2014 in the RRT proceedings as per Ex-P4. Though the proposed trap was a failure due to the DGO declining to receive bribe from the complainant, considering the circumstances which forced the DGO to decline to receive the bribe money from the complainant as disclosed by the complainant in his evidence and since despite repeated directions, the complainant kept on keeping the tainted notes protruded out of the cover while handing over the cover containing money to the DGO, made the DGO to entertain doubt about the manner in which DGO offered money to him and suspecting the attitude and behavior of the complainant, he declined to receive money from the complainant. Considering this conduct of the DGO and further asking the wife of the complainant to come alone with the money and not to bring anybody with her as he has got doubt about her husband, as deposed by the complainant, is also another factor which persuaded me to believe the evidence adduced on behalf of the disciplinary authority in so far as the allegation against the DGO, regarding the demand for bribe by him is concerned.

45. The learned counsel for the DGO has vehemently argued that, since the DGO has been acquitted by the Spl. Court, Chikkaballapura vide judgment dated 5.1.2018 in PCA.C.C. No. 6/2015 on the file of Principal District and Sessions Judge, Chikkaballapura, the charges against the DGO has to be held not proved and the DGO has to be absolved from the charges leveled against him. In support of his arguments, he relied upon certain decisions of the Hon'ble Supreme Court including the decision in G.M. Tank case, which is subsequently relied upon in S. Bhaskar Reddy's Case The Hon'ble Supreme Court in the decisions cited above, while setting aside the order of dismissal passed against the appellant, made an observation that, if the official has been honorably acquitted in the criminal trial, the disciplinary authority shall take note of that aspect and if the criminal case and departmental proceedings are based on similar facts and evidence and if the trial court acquitted the Government official honorably, then the disciplinary authority considering the grounds on which the trial court acquitted the Government official and on that basis, take a decision as to whether the report of the enquiry officer in a departmental proceedings can be accepted or not and on that basis, can decide whether the charges against the Government official stands proved or not.
46. In pursuance of the Government order issued entrusting the proceedings to Hon'ble Upalokayukta under Section 14-A of KCS(CCA) Rules, a nomination order was issued by the Hon'ble Upalokayukta directing ARE-3 to frame charges and to hold enquiry and to submit a report as to whether the charges framed against the DGO is proved or not. Hence, the enquiry officer has to frame charge and to hold an enquiry and to prepare a report as to whether the evidence adduced on behalf of the disciplinary authority are

sufficient to hold that, the charges against the DGO has been established or not. The enquiry officer has to independently consider the evidence made available on behalf of the disciplinary authority during the enquiry, without considering the judgment of the criminal court since the Hon'ble Supreme Court in a decision reported in 2012(1) SC 442 (Divisional Controller, KSRTC Vs. M.G. Vittal Rao) observed as follows:

“ Thus there can be no doubt regarding the settled legal proposition that the standard of proof in both the proceedings is quite different and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in a criminal case cannot be the basis of taking away the effect of departmental proceedings nor can such an action of the department be termed as double jeopardy. The judgment of this court in Captain M. Paul Antony does not lay down the law of Universal application. Facts, charge and nature of evidence etc., involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.”

47. Even in the decision rendered by the Hon'ble Supreme Court cited on behalf of the DGO in S. Bhaskar Reddy case, the Principle laid down in Paul Anthony case which was based on the judgment in G.M. Tank's case has been relied upon. But, in the decision in M.G. Vittal Rao's case, the Hon'ble Supreme Court made it clear that, Paul Anthony's case does not lay down the law of universal application.

48. In view of my discussions made above, I am of the considered opinion that, the disciplinary authority was able to establish the

allegations against the DGO and hence I hold that, charge against the DGO is established. Accordingly, I answer point no.1 in the Affirmative.

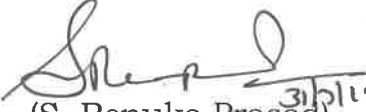
**Point No.2**

49. Having regard to the discussion made above, and in view of my findings on point no.1 as above, my conclusion is as follows:

**CONCLUSION**

i) The Disciplinary Authority has proved the charge as framed against the DGO Sri H.P. Raghupathi, Deputy Tahsildar, Nada Kacheri, Gowribidanur Taluk, Chikkaballapura District.

ii) As per the service particulars at Ex-12, date of birth of DGO is 18.2.1959 and he has already retired from service on 28.2.2019.

  
(S. Renuka Prasad) 31/5/19

Additional Registrar of Enquiries-3  
Karnataka Lokayukta, Bengaluru.

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

|             |                                                         |
|-------------|---------------------------------------------------------|
| <b>PW-1</b> | Sri Gangadharappa ( complainant) (original)             |
| <b>PW-2</b> | Sri A.G. Manjegowda (investigation officer ) (original) |

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

|             |                                |
|-------------|--------------------------------|
| <b>DW-1</b> | Sri Raghupathi (DGO)(original) |
|-------------|--------------------------------|

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

|                |                                                                     |
|----------------|---------------------------------------------------------------------|
| <b>Ex.P-1</b>  | Certified copy of Complaint                                         |
| <b>Ex.P-2</b>  | Certified copy of gift deed                                         |
| <b>Ex.P-3</b>  | Certified copy of RTCs                                              |
| <b>Ex.P-4</b>  | Certified copy of notice issued from Nada kacheri office            |
| <b>Ex.P-5</b>  | Photographs                                                         |
| <b>Ex.P-6</b>  | Certified copy of entrustment mahazar                               |
| <b>Ex.P-7</b>  | Certified copy of mahazar                                           |
| <b>Ex.P-8</b>  | Certified copy of mahazar                                           |
| <b>Ex.P-9</b>  | Certified copy of mahazar                                           |
| <b>Ex.P-10</b> | Certified copy of FIR                                               |
| <b>Ex.P-11</b> | Certified copy of sheet containing serial numbers of currency notes |
| <b>Ex.P-12</b> | Certified copy of service particulars of DGO                        |
| <b>Ex.P-13</b> | Certified copy of written explanation of DGO                        |
| <b>Ex.P-14</b> | Certified copy of mahazar                                           |
| <b>Ex.P-15</b> | Certified copy of report of the expert                              |
| <b>Ex.P-16</b> | Certified copy of call extracts                                     |
| <b>Ex.P-17</b> | Certified copy of letter dated 29.11.2014                           |
| <b>Ex.P-18</b> | Certified copy of documents seized by IO                            |
| <b>Ex.P-19</b> | Certified copy of charge sheet                                      |

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

|              |                                                 |
|--------------|-------------------------------------------------|
| <b>Ex-D1</b> | Certified copy of the judgment in PC No. 6/2015 |
|--------------|-------------------------------------------------|

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



(S. Renuka Prasad)

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