

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ: ಉಪಲೋಕ್-1/ಡಿಇ/7/2022/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 30ನೇ ಮಾರ್ಚ್ 2024.

-:: ಶಿಫಾರಸ್ಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧದ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 98 ಪಿಎಂಡಬ್ಲ್ಯೂ 2021 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 04/01/2022 ಮತ್ತು ತಿದ್ದುಪಡಿ ಆದೇಶ ದಿನಾಂಕ: 17/3/2022
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿಇ/7/2022, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19/01/2022.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 26/03/2024.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 04/01/2023 ಮತ್ತು ತಿದ್ದುಪಡಿ ಆದೇಶ ದಿನಾಂಕ: 17/3/2022ರಂತೆ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿಇ/7/2022, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19/01/2022ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE-I

CHARGE

That, you DGO, demanded bribe of Rs.20,000/- from complainant for placing the order of supply of shoes and socks to your school students in May, 2017. The complainant said that there will not be so much margin, and the order be given to somebody else. You still asked complainant to supply in June, 2017. The complainant supplied shoes and socks of Lunars for 396 students of total amount of Rs.1,09,920/-. You did not pay immediately, but after 2-3 weeks paid by cheque, and demanded bribe of 10% of cheque amount. When the complainant did not pay, you have repeatedly demanded the said bribe by telephoning him through your mobile number 9448296717. On 15/03/2018 at 12.17 p.m., you have again telephoned the complainant on his mobile phone and demanded Rs.10,000/-. When complainant told, he cannot pay that much amount, you asked to pay Rs.7,000/-. On 17/03/2018, at about 11.25 a.m. you demanded and accepted bribe of Rs.7,000/-from

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the complainant in your chamber, and thereby, you have committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(Conduct) Rules, 1966. Hence, this charge.

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಐದು ಜನ ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-5 ರವರುಗಳನ್ನು ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-23 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರ ಪರವಾಗಿ ಸ್ವತಃ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರೇ ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಆಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

7. ಆ.ಸ.ನೌಕರರ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, ದಿನಾಂಕ: 31/05/2020 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ.

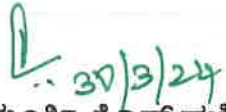
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8. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಸಾಭೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

'ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಕೆ. ವಾಸುದೇವ ಬಿನ್ ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರಿಗೆ ಅವರ ಪಿಂಚಣಿಯಿಂದ 50% ರಷ್ಟು ಶಾಶ್ವತವಾಗಿ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಬಹುದಾಗಿದೆ ಎಂದು ಅಭಿಪ್ರಾಯಹಿಸಿ, ಸರ್ಕಾರದ ವಿವೇಚನೆಗೆ ಬಿಟ್ಟು ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ'.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.


 (ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)
 ಉಪಲೋಕಾಯುಕ್ತ-1,
 ಕರ್ನಾಟಕ ರಾಜ್ಯ.

KARNATAKA LOKAYUKTA

NO. UPLOK-1/DE/7/2022/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 26/03/2024.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against
Sri M.K.Vasudev S/o Late Kariya, Head
Master, Government Higher Primary School,
Hiriyadka, Udupi, R/@ Sangati New Colony,
Kodanduru Village, Udupi Taluk, Udupi
District -reg.

Ref: 1. Report under section 12(3) of the KLA Act.
1984 in No.Compt/Uplok/MYS/1268/
2021/POARE-02, dated:13/10/2021.

2. Order No. ಇಡಿ 98 ಪಿಎಂಡಬ್ಲ್ಯೂ, 2021, ಬೆಂಗಳೂರು,
ದ:04/01/2022 and its corrigendum dated
17/03/2022.

3. Nomination Order No. UPLOK-1/
DE/7/2022, Bengaluru, dated
19/01/2022.

1. The Departmental Enquiry is initiated against Sri M.K.Vasudev S/o Late Kariya, Head Master, Government Higher Primary School, Hiriyadka, Udupi, R/@ Sangati New Colony, Kodanduru Village, Udupi Taluk, Udupi District (hereinafter referred to as the Delinquent Government Officials,


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UPLOK-1/DE/7/2022/ARE-11

in short DGO) on the basis of the complaint dated 16/03/2018. The allegation in the complaint is that Sri M.K.Vasudev while working as Head Master in Higher Primary School, Hiriyadka, Udupi in the year 2018, the complainant has alleged that DGO demanded bribe of Rs.20,000/- from him for placing the order of supply of shoes and socks to his school students in May, 2017. The complainant said that there will not be so much margin, and the order be given to somebody else. DGO still asked complainant to supply in June, 2017. The complainant supplied shoes and socks of Lunars for 396 students of total amount of Rs.1,09,920/-. DGO did not pay immediately, but after 2-3 weeks paid the amount by cheque, and demanded bribe of 10% of cheque amount. When the complainant did not pay, DGO has repeatedly demanded the said bribe by telephoning him through his mobile number 9448296717. On 15/03/2018 at 12.17 p.m., DGO has again telephoned the complainant on his mobile phone and demanded Rs.10,000/- and on bargain reduced it to Rs.7,000/- and the same was recorded in his mobile.

2. As the complainant was not willing to pay the amount, after contacting ACB Police, Udupi lodged complaint before Police Inspector, ACB Police Station, Udupi (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.03/2018 against the DGO for the offences punishable under section 7, 13(1)(d) r/w 13(2) of P.C. Act, 1988.


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3. The Investigating Officer took up investigation and on 17/03/2018 at 11.25 a.m., DGO was caught red handed while demanding and accepting illegal gratification of Rs.7,000/- from the complainant in the DGO chamber and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, ACB, Udupi. The DGO has failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.
4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 13/10/2021 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Competent Authority by order dated 04/01/2022 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 19/01/2022, nominated Additional Registrar Enquiries-11 to conduct the enquiry.


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6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ANNEXURE-I

CHARGE

That, you DGO, demanded bribe of Rs.20,000/- from complainant for placing the order of supply of shoes and socks to your school students in May, 2017. The complainant said that there will not be so much margin, and the order be given to somebody else. You still asked complainant to supply in June, 2017. The complainant supplied shoes and socks of Lunars for 396 students of total amount of Rs.1,09,920/-. You did not pay immediately, but after 2-3 weeks paid by cheque, and demanded bribe of 10% of cheque amount. When the complainant did not pay, you have repeatedly demanded the said bribe by telephoning him through your mobile number 9448296717. On 15/03/2018 at 12.17 p.m., you have again telephoned the complainant on his mobile phone and demanded Rs.10,000/-. When complainant told, he cannot pay that much amount, you asked to pay Rs.7,000/-. On 17/03/2018, at about 11.25 a.m. you demanded and accepted bribe of Rs.7,000/-from the complainant in your chamber, and thereby, you have committed misconduct, dereliction of duty, acted in a manner unbecoming of a


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Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(Conduct) Rules, 1966. Hence, this charge.

7. The statement of imputations of misconduct as framed by Additional Registrar Enquiries-11 is as follows:-

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆ ವಿವರ

ಮಾನ್ಯ ಪೋಲಿಸ್ ಅಧೀಕ್ಷಕರು ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳ, ಪಶ್ಚಿಮ ವಲಯ, ಮಂಗಳೂರು, ಇವರು ಪೋಲಿಸ್ ನಿರೀಕ್ಷಕರು, ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳ, ಉಡುಪಿ, (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ). ಇವರ ತನಿಖಾ ವರದಿ ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳೊಂದಿಗೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು. ಸದರಿ ವರದಿಯಲ್ಲಿ ಶ್ರೀ ಎಮ್.ಕೆ. ವಾಸುದೇವ, ಬಿನ್. ಲೇಟ್ ಕರಿಯ, ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು, ಸರಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹಿರಿಯಡ್ಕ, ಉಡುಪಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ಎದುರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ). ಆದ ನೀವು ದೂರುದಾರರಾದ ಶ್ರೀ ಪ್ರಶಾಂತ್, ಬಿನ್ ಲೇಟ್ ಶೇಖರ ಕಾಂಚನ್, "ಸಾಯಿ ಕೃಪಾ" ಸಾಂತಾರು, ಹರಿಖಂಡಿಗೆ, ಪೆರ್ಡೂರು ಗ್ರಾಮ, ಉಡುಪಿ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ). ರವರಿಂದ ಸರ್ಕಾರಿ ಕೆಲಸಕ್ಕೆ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ


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1984 ರ ಕಲಂ 7(2) ರನ್ವಯ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರು ದಾಖಲಿಸಿಕೊಂಡು ತನಿಖೆ ತೆಗೆದುಕೊಳ್ಳಲಾಗಿ ಮತ್ತು ಉಡುಪಿ, ಎ.ಸಿ.ಬಿ ಪ್ರೋಲಿಸ್ ಠಾಣೆ ಮೊಕದ್ದಮೆ ಸಂ:03/2018 ರಲ್ಲಿಯ ದಾಖಲೆಗಳನ್ನು ಮತ್ತು ವಿವರಗಳನ್ನು ಪರಿಗಣಿಸಲಾಗಿ ಈ ಕೆಳಗೆ ಹೇಳಿದ ಸಂಗತಿಗಳು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

- i. ದೂರುದಾರರು ಮಣಿಪಾಲದಲ್ಲಿ 'ಶೂ ಜೋನ್' ಎಂಬ ಪಾದರಕ್ಷೆಗಳ ರಿಟೈಲ್ ಅಂಗಡಿಯನ್ನು ಹೊಂದಿದ್ದು, 2017ರ ಮೇ ತಿಂಗಳಿನಲ್ಲಿ ಶಾಲಾ ಮಕ್ಕಳಿಗೆ ಶೂಗಳನ್ನು ಸರಬರಾಜು ಮಾಡುವ ಬಗ್ಗೆ ಶಾಲೆಗಳನ್ನು ಸಂಪರ್ಕಿಸಿ ಮಕ್ಕಳಿಗೆ ಅಗತ್ಯ ಇರುವ ಶೂ ಮತ್ತು ಸಾಕ್ಸ್ ಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಲು ಶಾಲೆಗಳ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರಲ್ಲಿ ವಿನಂತಿಸುತ್ತಿದ್ದು, ಅದರಂತೆ ಹಿರಿಯಡ್ಕ ಸರ್ಕಾರಿ ಮಾದರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯ ಮುಖ್ಯೋಪಾಧ್ಯಾಯರಾದ ಎದುರುದಾರರನ್ನು ದೂರುದಾರರು ಸಂಪರ್ಕಿಸಿ ವಿನಂತಿಸಿದಾಗ, ದೂರುದಾರರಲ್ಲಿ ಎದುರುದಾರರು 20,000/- ರೂ ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ದೂರುದಾರರು ಅಷ್ಟು ಮಾರ್ಜಿನ್ ಇಲ್ಲ, ಬೇರೆ ಯಾರಿಗಾದರೂ ಆರ್ಡರ್ ಮಾಡಿ ಎಂದು ಎದುರುದಾರರಿಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ. ನಂತರ ಎದುರುದಾರರು ದೂರುದಾರರನ್ನು ಶಾಲೆಗೆ ಕರೆಸಿ ಮಕ್ಕಳಿಗೆ ಬೇಕಾದ ಶೂ ಮತ್ತು ಸಾಕ್ಸ್‌ಗಳನ್ನು ಪೂರೈಸಲು ಹೇಳಿದ್ದು, ಅದರಂತೆ ದೂರುದಾರರು ಜೂನ್ 2017ರಲ್ಲಿ 396-ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ರೂ.1,09,920/- ಮೌಲ್ಯದ ಶೂ ಮತ್ತು ಸಾಕ್ಸ್ ಗಳನ್ನೂ ಪೂರೈಕೆ ಮಾಡಿದ್ದು, ಅದಕ್ಕೆ ಎದುರುದಾರರು ಹಣ ಪಾವತಿಯ ಬಗ್ಗೆ ಕೂಡಲೇ ಚೆಕ್ ನೀಡದೆ 2-3 ವಾರಗಳ ನಂತರ ಉಡುಪಿ ಎಸ್.ಬಿ.ಎಮ್. ಬ್ಯಾಂಕಿನ ಚೆಕ್ ನೀಡಿದ್ದು,

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ಆ ಸಮಯದಲ್ಲಿ ಕೂಡ ಚೆಕ್‌ನ ಮೊತ್ತದ 10% ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿರುತ್ತಾರೆ. ನಂತರ ಎದುರುದಾರರು ಪದೇ ಪದೇ ಫೋನ್ ಮಾಡಿ ಹಣ ನೀಡುವಂತೆ ದೂರುದಾರರಲ್ಲಿ ಒತ್ತಾಯಿಸಿರುತ್ತಾರೆ.

- ii. ದಿ.15/03/2018ರಂದು ಎದುರುದಾರರು ಅವರ ಮೊಬೈಲ್ ನಂ. 9448296717ರಿಂದ ದೂರುದಾರರ ಮೊಬೈಲ್ ನಂ.9880833421ಕ್ಕೆ ಮಧ್ಯಾಹ್ನ 12-17 ಗಂಟೆಗೆ ಕರೆ ಮಾಡಿ ಎದುರುದಾರರಿಗೆ ತುಂಬಾ ಸಮಸ್ಯೆ ಇದೆ, ರೂ.10,000/-ಗಳನ್ನು ಕೊಡಿ, ಎಂದು ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ಆಗ ದೂರುದಾರರು ಎದುರುದಾರರಿಗೆ ಅಷ್ಟು ಕೊಡುವುದು ಕಷ್ಟವಾಗುತ್ತದೆ. ಲೂನಾರ್ಸ್ ಕಂಪನಿಯ ಶೂಗಳನ್ನು ಸಪ್ಪೆ ಮಾಡಿರುತ್ತೇನೆ. ಆ ಬ್ರಾಂಡಿನಲ್ಲಿ ಜಾಸ್ತಿ ಲಾಭ ಇಲ್ಲ ಎಂದು ಹೇಳಿದಾಗ, ಎದುರುದಾರರು ರೂ. 7,000/-ರೂ.ಗಳನ್ನು ಕೊಡಿ ಎಂದು ಲಂಚದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ಆಗ ದೂರುದಾರರು ಹಣ ಯಾವಾಗ ಕೊಡಬೇಕು ಎಂದು ಕೇಳಿದಾಗ, ಆದಷ್ಟು ಬೇಗ ಕೊಡಿ, ಬರುವ ಒಂದನೆಯ ತಾರೀಖಿನ ಒಳಗೆ ಕೊಡಿ ಎಂದು ದೂರುದಾರರಿಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ ನ್ಯಾಯವಾಗಿ ಸಂಪಾದಿಸಿದ ಹಣದಲ್ಲಿ ಎದುರುದಾರರಿಗೆ ಲಂಚದ ಹಣ ನೀಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಸದರಿ ಸಂಬಾಷಣೆಯನ್ನು ದೂರುದಾರರು ತಮ್ಮ ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

- iii. ದಿ.16/03/2018ರಂದು ಮಧ್ಯಾಹ್ನ 03-00 ಗಂಟೆಗೆ ದೂರುದಾರರು ತನಗೆ ಲಂಚದ ಹಣ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದೆ ಇದ್ದುದರಿಂದ


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ತನಿಖಾಧಿಕಾರಿಗಳನ್ನು ಭೇಟಿಮಾಡಿ ದೂರು ನೀಡಿದ್ದು, ಅದರ ಆಧಾರದ ಮೇಲೆ ಉಡುಪಿ ಎಸಿಬಿ ಪೊಲೀಸ್ ಠಾಣೆ ಮೊ. ಸಂ. 03/2018 ರಲ್ಲಿ ಕಲಂ 7(ಎ) ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ಕಾಯ್ದೆ (ತಿದ್ದುಪಡಿ) 1988 ರ ಅಡಿ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತಾರೆ.

- iv. ಪ್ರಕರಣ ದಾಖಲಾದ ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಸರ್ಕಾರಿ ಪಂಚರುಗಳಾದ 1) ಶ್ರೀ ಎಸ್. ರಾಜ (ನೆರಳು ಸಾಕ್ಷಿ) 2) ಶ್ರೀ ಸಂದೀಪ್ ಕುಮಾರ್ ಇವರುಗಳನ್ನು ಬರಮಾಡಿಕೊಂಡಿದ್ದು, ಸದರಿಯವರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ತಮ್ಮ ಮೊಬೈಲ್‌ನ್ನು ಹಾಜರು ಪಡಿಸಿದ್ದು, ಮೊಬೈಲ್‌ನ ಮೆಮೊರಿ ಕಾರ್ಡ್‌ನಲ್ಲಿದ್ದ ಸಂಭಾಷಣೆಯನ್ನು ಲ್ಯಾಪ್ ಟಾಪ್‌ಗೆ ಹಾಕಿ ನಂತರ ಲ್ಯಾಪ್ ಟಾಪ್‌ನಿಂದ ಒಂದು ಸಿಡಿಗೇ ಸಂಭಾಷಣೆಯನ್ನು ವರ್ಗಾಯಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಸಂಭಾಷಣೆಯನ್ನು ಪಂಚರಿಗೆ ಕೇಳಿಸಲಾಗಿ, ಎದುರುದಾರರು ಲಂಚಕ್ಕಾಗಿ ಬೇಡಿಕೆ ಇಟ್ಟಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ನೀಡಲು ತಂದ (ರೂ. 2,000/- ಮುಖಬೆಲೆಯ 3-ನೋಟುಗಳು ಮತ್ತು 500/- ಮುಖಬೆಲೆಯ 2-ನೋಟುಗಳು) ಒಟ್ಟು 7,000/- ರೂ.ಗಳನ್ನು ದೂರುದಾರರು ತನಿಖಾಧಿಕಾರಿಗಳ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿದ್ದು, ಸದರಿ ನೋಟುಗಳ ನಂ.ಗಳನ್ನು ಪಂಚರು ಹಾಳೆಯಲ್ಲಿ ಬರೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಸದರಿ ನೋಟುಗಳಿಗೆ ಫಿನಾಫಲೀನ್ ಪೌಡರನ್ನು ಸವರಿ, ಸದರಿ ಹಣವನ್ನು ಪಂಚ ಸಾಕ್ಷಿ ಸಂದೀಪ್ ಕುಮಾರ್ ರವರ ಮೂಲಕ ದೂರುದಾರರ ಅಂಗಿಯ ಎಡಜೇಬಿನಲ್ಲಿ ಇಡಿಸಿರುತ್ತಾರೆ. ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚ ಸಾಕ್ಷಿ ಸಂದೀಪ್ ಕುಮಾರ್‌ರವರ ಎರಡೂ ಕೈಗಳನ್ನು ಸೋಡಿಯಮ್ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣದಲ್ಲಿ

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ಪ್ರತ್ಯೇಕವಾಗಿ ತೋಳಸಲಾಗಿ, ದ್ರಾವಣವು ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿದ್ದು, ಫಿನಾಫಲೀನ್ ಪೌಡರನ ವೈಶಿಷ್ಟ್ಯತೆಯನ್ನು ದೂರುದಾರರು ಹಾಗೂ ಪಂಚರಿಗೆ ಮನವರಿಕೆ ಮಾಡಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ನೆರಳು ಸಾಕ್ಷಿಯಾದ ಎಸ್. ರಾಜರವರಿಗೆ ದೂರುದಾರರೊಂದಿಗೆ ಲಂಚವನ್ನು ನೀಡುವ ಕಾಲಕ್ಕೆ ನಡೆಯುವ ಸಂಭಾಷಣೆ ಹಾಗೂ ವಿದ್ಯಾಮಾನಗಳನ್ನು ಗಮನಿಸಿ ವರದಿ ಮಾಡಬೇಕೆಂದು ಸೂಚನೆ ನೀಡಿರುತ್ತಾರೆ. ದೂರುದಾರರಿಗೆ ಹಣವನ್ನು ಅನಗತ್ಯವಾಗಿ ಮುಟ್ಟದಂತೆ, ಬೇರೆ ಯಾವುದಕ್ಕೂ ಬಳಸದಂತೆ ತಿಳಿಸಿ, ಎದುರುದಾರರು ಲಂಚದ ಹಣವನ್ನು ಕೇಳಿದಾಗ ಮಾತ್ರ ಕೊಡುವಂತೆ ಮತ್ತು ಲಂಚದ ಹಣವನ್ನು ಸ್ವೀಕರಿಸಿದ ನಂತರ ಹೊರಗಡೆ ಬಂದು ಕರವಸ್ತ್ರದಿಂದ ಮುಖವನ್ನು ಒರೆಸಿಕೊಳ್ಳುವ ಮೂಲಕ ಸನ್ನೆ ನೀಡಬೇಕೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಆ ಕಾಲಕ್ಕೆ ನಡೆಯುವ ಸಂಭಾಷಣೆಯನ್ನು ರೆಕಾರ್ಡ್ ಮಾಡಿಕೊಳ್ಳಲು ಒಂದು ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್‌ನ್ನು ದೂರುದಾರರಿಗೆ ತನಿಖಾಧಿಕಾರಿಗಳು ನೀಡಿರುತ್ತಾರೆ. ಈ ಎಲ್ಲಾ ಘಟನಾವಳಿಗಳನ್ನು ದಿ.17.03.2018ರಂದು ಬೆಳಿಗ್ಗೆ 8-00 ರಿಂದ 10-15 ಗಂಟೆಯವರಿಗೆ ಉಡುಪಿ ಎಸಿಬಿ ಕಚೇರಿಯಲ್ಲಿ ಬರೆದ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯಲ್ಲಿ ದಾಖಲಿಸಿರುತ್ತಾರೆ.

V. ದಿ.17/03/2018ರಂದು ಬೆಳಿಗ್ಗೆ 11-20 ಗಂಟೆಗೆ ದೂರುದಾರರು ಹಾಗೂ ನೆರಳು ಸಾಕ್ಷಿ ಎಸ್. ರಾಜರವರೊಂದಿಗೆ ಎದುರುದಾರರ ಶಾಲೆಗೆ ಬಂದು ಎದುರುದಾರರನ್ನು ಬೇಟಿ ಮಾಡಿದಾಗ, ದೂರುದಾರರಿಂದ ರೂ.7,000/- ಲಂಚದ ಹಣವನ್ನು ಕೇಳಿ ಪಡೆದುಕೊಂಡು ಮತ್ತು ಪಡೆದ ಹಣವನ್ನು ಎರಡೂ ಕೈಗಳಿಂದ ಎಣಿಸಿ, ಅಂಗಿಯ ಎದುರು ಕಿಸೆಯಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುತ್ತಾರೆ.

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vi. ಆ ಸಂದರ್ಭದಲ್ಲಿ ದೂರುದಾರರು ಸನ್ನೆ ಮಾಡಿದ ತಕ್ಷಣ ತನಿಖಾಧಿಕಾರಿಗಳು ತಮ್ಮ ಸಿಬ್ಬಂದಿ ಮತ್ತು ಪಂಚರೊಂದಿಗೆ ಎದುರುದಾರರು ಇದ್ದ ಸ್ಥಳಕ್ಕೆ ಬಂದು ತಮ್ಮ ಗುರುತಿನ ಚೀಟಿ ತೋರಿಸಿ ತಮ್ಮ ಪರಿಚಯ ಹೇಳಿ ಮತ್ತು ಎದುರುದಾರರ ಪರಿಚಯ ಕೇಳಿ ಎದುರುದಾರರ ಮೇಲೆ ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ಕಾಯ್ದೆ ಅಡಿಯಲ್ಲಿ ದೂರು ದಾಖಲಾಗಿರುವ ವಿಚಾರ ತಿಳಿಸಿ ತನಿಖೆಗೆ ಸಹಕರಿಸುವಂತೆ ತಿಳಿಸಿದ್ದು ಇರುತ್ತದೆ. ತನಿಖಾಧಿಕಾರಿಗಳು ಪಡೆದ ಲಂಚದ ಹಣವನ್ನು ಎಲ್ಲಿಟ್ಟಿದ್ದೀರಿ ಎಂದು ವಿಚಾರಿಸಲಾಗಿ, ಎದುರುದಾರರು ಲಂಚದ ಹಣವನ್ನು ಕಿಸೆಯಲ್ಲಿಟ್ಟಿರುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಅದನ್ನು ಹಾಜರುಪಡಿಸುವಂತೆ ತನಿಖಾಧಿಕಾರಿಗಳು ಹೇಳಿದಾಗ, ಎದುರುದಾರರು ತಮ್ಮ ಷರ್ಟಿನ ಕಿಸೆಯಲ್ಲಿ ಇಟ್ಟುಕೊಂಡ ಹಣವನ್ನು ಹಾಜರು ಪಡಿಸಿರುತ್ತಾರೆ. ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಪಂಚರ ಮೂಲಕ ಆ ಹಣವನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಸದರಿ ನೋಟುಗಳು ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆ ಕಾಲಕ್ಕೆ ನಮೂದಿಸಿದ ನೋಟುಗಳ ನಂಬರುಗಳಿಗೆ ಹೋಲಿಕೆಯಾಗಿರುತ್ತವೆ. ಎದುರುದಾರರು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಸಮಂಜಸವಾದ ಉತ್ತರವನ್ನು ನೀಡಿರುವುದಿಲ್ಲ.

vii. ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಎದುರುದಾರರಿಗೆ ದೂರುದಾರರಿಂದ ಪಡೆದ ಲಂಚದ ಹಣದ ಬಗ್ಗೆ ವಿವರಣೆಯನ್ನು ನೀಡುವಂತೆ ಸೂಚಿಸಿದಾಗ, ಎದುರುದಾರರು ತಮ್ಮ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಿದ್ದು, ಅದರಲ್ಲಿ ಎದುರುದಾರರು ದಿನಾಂಕ:17/03/2017ರಂದು ಬೆಳಿಗ್ಗೆ 11-15ರ ಸಮಯದಲ್ಲಿ ನಾನು ಹೆಚ್.ಎಮ್. ಕೊರಡಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವ ಸಮಯದಲ್ಲಿ ಶ್ರೀ. ಪ್ರಶಾಂತ್, ಶೂ ಜೋನ್ ಮಣಿಪಾಲ್ ಇವರು ಈ ಹಿಂದೆ ಶಾಲಾ ಮಕ್ಕಳಿಗೆ 1,09,000/- ರೂ. ಶೂ ವ್ಯವಹಾರ ಬಾಬತ್ತು ನಮ್ಮ ಶಾಲಾಭಿವೃದ್ಧಿ ಸಮಿತಿಗೆ ನನ್ನಿಂದ ಆದಷ್ಟು ಸಹಾಯ

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ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳಿದ್ದರು. ಅಲ್ಲದೇ ಎಸ್.ಡಿ.ಎಮ್.ಸಿ. ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ. ಸಂತೋಷ್ ಮೊದಲ ದಿನ ಬಂದು ಪ್ರಶಾಂತರು ಈ ತಿಂಗಳಿನಲ್ಲಿ ಹಣ ನೀಡುತ್ತಾರೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದರಂತೆ ನನ್ನ ಬಳಿ ಏಳು ಸಾವಿರ (7.000/-) ರೂ. ಮಾತ್ರ ಇದೆ ಎಂದು ಹೇಳಿ ಕೊಟ್ಟರು. ಆದರೆ ಯಾವುದೇ ಕಾರಣಕ್ಕೆ ಇದು ನನಗಲ್ಲ ಎಂದು ಹೇಳಿ ತೆಗೆದುಕೊಂಡೆ. ಆ ತಕ್ಷಣದಲ್ಲಿ ಮಾನ್ಯ ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳದವರು ನನ್ನ ಲಂಚ ತೆಗೆದುಕೊಂಡಿದ್ದೀರಿ ಎಂದು ನನ್ನ ಆವರಿಸಿದರು", ಎಂದು ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಎದುರುದಾರರ ಸಮಜಾಯಿಷಿ ಬಗ್ಗೆ ದೂರುದಾರರನ್ನು ಕೇಳಿದಾಗ ದೂರುದಾರರು ಸಮಜಾಯಿಷಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಿಲ್ಲ. ಅವರು ಸುಳ್ಳು ಹೇಳುತ್ತಿದ್ದಾರೆ. ನನಗೆ ಹಣಕ್ಕಾಗಿ ಈವರೆವಿಗೂ ಸತಾಯಿಸಿರುತ್ತಾರೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

viii. ಆಗ ತನಿಖಾಧಿಕಾರಿಗಳು ಎದುರುದಾರರಿಂದ ದೊರೆತ ಹಣವನ್ನು ಜಪ್ತು ಮಾಡಿಕೊಂಡು ಪಂಚರ ಸಮಕ್ಷಮ ಪಂಚನಾಮೆ ಜರುಗಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಎದುರುದಾರರನ್ನು ಅದೇ ಕಾರಣಕ್ಕಾಗಿ ದಸ್ತಗಿರಿ ಮಾಡಿರುತ್ತಾರೆ. ತನಿಖಾಧಿಕಾರಿಗಳು ಸಂಪೂರ್ಣ ತನಿಖೆಯನ್ನು ಮಾಡಿ ಅಭಿಯೋಜನಾ ಮಂಜೂರಾತಿಯನ್ನು ಹಾಗೂ ವಿಧಿ ವಿಜ್ಞಾನ ಪ್ರಯೋಗಾಲಯದ ವರದಿ ಪಡೆದು, ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ix. ಧ್ವನಿ ವಿಶ್ಲೇಷಣಾ ವರದಿಯಲ್ಲಿ ಮೊಬೈಲ್ ಧ್ವನಿ ಮುದ್ರಣವು ಎದುರುದಾರರ ಧ್ವನಿಯೊಂದಿಗೆ ತಾಳೆಯಾಗಿರುವುದು ಧೃಢಪಟ್ಟಿರುತ್ತದೆ ಹಾಗೂ ರಾಸಾಯನಿಕ ತಜ್ಞರ ಪರೀಕ್ಷಾ ವರದಿಯಲ್ಲಿ ಎದುರುದಾರರಿಂದ


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ಸಂಗ್ರಹಿಸಿದ ವಸ್ತುಗಳಲ್ಲಿ ಫಿನಾಪ್ಪಿಲೀನ್ ಅಂಶವು ಪತ್ತೆಯಾಗಿರುವುದು ರಾಸಾಯನಿಕ ತಜ್ಞರ ಪರೀಕ್ಷಾ ವರದಿಯಿಂದ ಧೃಢಪಟ್ಟಿರುತ್ತದೆ.

- 2) ಮೇಲೆ ಹೇಳಿದ ಕಾರಣಕ್ಕಾಗಿ ಎದುರುದಾರರ ಮೇಲೆ ಶಿಸ್ತು ಕ್ರಮಕ್ಕಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಸಂಬಂಧಪಟ್ಟ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬಾರದು ಎನ್ನುವ ಬಗ್ಗೆ, ಎದುರುದಾರರಿಂದ ಕಾರಣ ಪಡೆಯಲು ಪರಿವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಎದುರುದಾರರಿಗೆ ಕಳುಹಿಸಲಾಗಿ, ಎದುರುದಾರರು ಪರಿವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಗೆ ತಮ್ಮ ಉತ್ತರವನ್ನು ದಿನಾಂಕ:21/08/2021 ಸಮಜಾಯಿಷಿಯನ್ನು ರಂದು ಪರಿಶೀಲಿಸಲಾಗಿ, ಸಲ್ಲಿಸಿಲ್ಲ. ಎದುರುದಾರರು ಎದುರುದಾರರ ಆಪಾದನೆಗಳನ್ನು ನಿರಾಕರಿಸಿರುವುದರ ಹೊರತಾಗಿ, ಆಪಾದನೆಗಳನ್ನು ಅಲ್ಲಗಳೆಯಲು ಯಾವುದೇ ಪೂರಕ ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಎದುರುದಾರರು ತಮ್ಮ ಸಮಜಾಯಿಷಿಯಲ್ಲಿ ತನ್ನ ಮೇಲೆ ಮಾಡಿರುವ ಆರೋಪ ಸಾಬೀತುಪಡಿಸುವ ಯಾವುದೇ ಅಂಶಗಳಿಲ್ಲ. ಮೇಲಾಗಿ ದುರುದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಆರೋಪ ಮಾಡಿದ್ದು, ಅದನ್ನೇ ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋಗಿರುತ್ತಾರೆ ಮತ್ತು ತಾನು ವಯೋಸಹಜ ಸೇವಾ ನಿವೃತ್ತಿಯನ್ನು ದಿ:30/05/2020ರಂದು ಹೊಂದಿದ್ದು, ಸವೋಚ್ಚನ್ಯಾಯಾಲಯದ ತೀರ್ಪಿನಂತೆ ನಿವೃತ್ತಿ ಹೊಂದಿದ ಬಳಿಕ ವಿಚಾರಣೆ ಮಾಡಲು ಬರುವುದಿಲ್ಲ, ಶಿಕ್ಷೆ ನೀಡಲು ಬರುವುದಿಲ್ಲ ಅಂತ ತೀರ್ಪನ್ನು ಉಲ್ಲೇಖಿಸಿ, ತನ್ನ ಮೇಲೆ ವಿಚಾರಣೆ ನಡೆಸಲು ಶಿಕ್ಷಣ ಇಲಾಖೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬಾರದೆಂದು ವಿನಂತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆದರೆ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸರ್ವಿಸ್ ನಿಯಮಾಳಿ 214 (2) (ಬಿ)(i) ರ ಪ್ರಕಾರ, ಸರ್ಕಾರಿ ನೌಕರನು ಕರ್ತವ್ಯದಿಂದ ನಿವೃತ್ತಿ ಹೊಂದಿದ ನಂತರ 4 ವರ್ಷಗಳವರೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಸರ್ಕಾರದ ಅನುಮತಿ ಪಡೆದು ತೆಗೆದುಕೊಳ್ಳಬಹುದಾಗಿದೆ ಹಾಗೂ ಎದುರುದಾರರು ಉಲ್ಲೇಖಿಸಿದ ತೀರ್ಪು ಈ

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ಪ್ರಕರಣಕ್ಕೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವರು ನೀಡಿರುವ ಸಮಜಾಯಿಷಿಯ ಅಂಶಗಳ ಮೇರೆಗೆ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲು ಸೂಕ್ತ ಕಾರಣಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ ಎಂದು ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

3. ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಎದುರುದಾರರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವೃತ್ತನೆ/ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.
4. ಅದಲ್ಲದೆ ಎದುರುದಾರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966ರ ನಿಯಮ 3(1)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ವೃತ್ತನೆ/ದುರ್ನಡತೆ ಕಂಡುಬರುವುದರಿಂದ, ಸದರಿಯವರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ, 1984 ಕಲಂ 12(3) ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಈಗ ಈ ವರದಿ ಮೂಲಕ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ ಮತ್ತು ಎದುರುದಾರರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಅನುಮತಿ ನೀಡಬೇಕೆಂದು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿ 1957ರ ನಿಯಮ 14(ಎ)ರಡಿ ಈ ಸಂಸ್ಥೆಗೆ ವಹಿಸಬೇಕೆಂದು ಕೋರಿದೆ. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.



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8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 30/04/2022, DGO engaged defence assistant for defence. In the course of first oral statement of the DGO recorded on 30/04/2022, they pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/05/2020.**
9. The DGO has filed his written statement denying the allegations made against him in the articles of charge and statement of imputations of misconduct. DGO has further contended that, he has worked as teacher in Government School from past 32 years. On 30/05/2020 he has retired on attaining superannuation. That during his tenure as teacher he has worked for 32 years with no black mark in his career.

DGO has further contended that, he was working as Head Master in Higher Primary School, Hiriyaadaka which comprise from class 1st to 8th standard of Kannada Medium and 6th to 8th standard of English Medium, there are 393 students, 11 teachers and 3 honorary teachers. That there was SDMC committee in the school and one Santosh Devadiga was the President of the SDMC committee.

DGO has further contended that, he has never demanded any bribe amount or accepted the same from the complainant

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and he has been falsely implicated in this case. That the reason for foisting false case against him is that the school in which he was working as Head Master was abutting National Highway and the said road was being converted as NH4 road and in the back side of the school there was road leading to Sri Veerabhadraswamy temple and there was no play ground for the children in the school. That considering this aspect the DGO had kept this fact before the parents teacher meeting and there was unanimous consent given by all the parents regarding the necessity of play ground to the school and further they decided to ask the administrative committee of Veerabhadraswamy temple to give the same space for play ground of the school. That in front of the school there was government land bearing No.281/1A/1BP measuring 2 acres. That it was decided that the said land has to be given to school and DGO was consulting concerned department continuously and has submitted application to the Thasildar and Thasildar had given notice to Bomarabettu Grama Panchayath to submit No Objection for allotting flat land measuring 0.50 acres to the school. That the President of Grama Panchayath and Smt.Malathi V Acharya, Ex-member of SDMC committee, Santosh Devadiga, President of SDMC committee and Vital Myandan, member of SDMC committee have pressurised the DGO to take back the application stating that above said land has been reserved for Vishwakarma Bhramanara Sangha. They were continuously pestering DGO and subjecting him to mental cruelty. That the DGO in the interest of school children had not heeded for the pressure and has worked impartially.


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DGO has further contended that, in the said school on the recommendation of the parents of the school children and SDMC committee with an intention not to bring any obstruction in the education of the children and on their recommendation, salary of 3 honorary teachers, expenses of cleaning the toilet, conducting Prathiba Karanji, annual function of the school and award for sports and talents, the said expenses are met by the donors, parents of the school and deposit given by the SDMC committee, since there was no aid given for this school for all these works. That the DGO is no way related to the expenses conducted for these purpose. That all the responsibility are taken by the parents of the children and SDMC committee. That any donation given by the donors to the school was given to the SDMC committee immediately by the DGO. As such there is no question of demand or acceptance of bribe coming within the purview of administrative work of DGO.

DGO has further contended that, every year as per Government program there is purchase of uniform and shoe-socks and as per SDMC committee decision tender will be called. That accordingly in the year 2017-18 tender was called and 3 persons had applied for supply of uniform and socks. That complainant being the owner of Shoe Zone Manipal had also applied for the tender to supply shoe and socks and has quoted less amount in the tender. As such tender was given to him as per the decision of SDMC committee and on 14/08/2017 the


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complainant has supplied shoe and socks to their school worth Rs.1,09,920/-. That on 23/08/2017 cheque was issued to him and it was credited to his account.

DGO has further contended that, on 17/03/2018 after lapse of 8 months of payment of amount there is no reason to demand of bribe amount from the complainant.

DGO has further contended that, since DGO has continuously made correspondence with Revenue Department to allot the land for play ground of the school which was reserved for Vishwakarma Bhramanara Sangha and achieved 80% progress in this regard which caused anger to the President of the Grama Panchayath, Smt.Malathi V Acharya, Ex-member of SDMC committee, Santosh Devadiga, President of SDMC committee and Vital Myandan member of SDMC committee, they colluding with the complainant owner of the shoe shop and in order to get the DGO removed from the school with a malafied intention have implicated him in this false case. That DGO has rendered service for 32 years without any fraud or cheating and has continuously worked for the development and progress of the school and the student and there is no allegation made against him. That he has already retired on 30/05/2020 and there is no necessity for him to ask meagre amount of Rs.7,000/-. That by making false allegation they have tarnished his image.


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DGO has further contended that, on 17/03/2018 while DGO was working in the school the ACB officials have made false allegation against him that he has demanded bribe and arrested him and have produced him before court. That he was released on bail and reported to duty on 21/03/2018. That there was no work of complainant pending before the DGO on 17/03/2018 and inspite of that after lapse of 8 months though there was no contract between DGO and complainant, this false case has been filed against him. That the complainant has made few baseless and concocted allegations. That there is no misconduct on his part and he prayed that he may be exonerated from the imputation of charges levelled against him in the interest of justice and equity.

10. The points that arise for consideration are as follows:-

1. Whether the disciplinary authority proves that the DGO Sri M.K.Vasudev while working as Head Master in Higher Primary School, Hiriyaadka, Udupi in the year 2018, demanded bribe of Rs.20,000/- from complainant for placing the order of supply of shoes and socks to his school students in May, 2017. The complainant said that there will not be so much margin, and the order be given to

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somebody else. DGO still asked complainant to supply in June, 2017. The complainant supplied shoes and socks of Lunars for 396 students of total amount of Rs.1,09,920/-. DGO did not pay immediately, but after 2-3 weeks paid the amount by cheque, and demanded bribe of 10% of cheque amount. When the complainant did not pay, DGO has repeatedly demanded the said bribe by telephoning him through his mobile number 9448296717. On 15/03/2018 at 12.17 p.m., DGO has again telephoned the complainant on his mobile phone and demanded Rs.10,000/- and on bargain reduced it to Rs.7,000/- and the same was recorded in his mobile and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, ACB Police Station, Udupi, who registered case in Cr.No.3/2018 and took up investigation and on 17/03/2018, DGO was caught red handed while demanding and accepting illegal gratification of Rs.7,000/- from the complainant in the DGO chamber and the said amount was seized by the Investigating Officer and the DGO has failed to give satisfactory or convincing explanation for the said tainted amount found them, when questioned by the

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said I.O., and by this the DGO has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. What findings?

11. (a) The disciplinary authority has examined Sri.S.Raja/Shadow Witness as PW-1, Sri.Sandeep Kumar/Panch Witness as PW-2, Sri.B.S.Sathisha/Investigating Officer as PW-3, Sri.Prashanth/Complainant as PW-4 and Sri.Lokeshappa K.B. as PW-5 and got exhibited Ex.P-1 to 23 on it's behalf.
- (b) The DGO has examined himself and has not got marked any documents.
- (c) Since DGO has adduced evidence by examining himself, incriminating circumstances which appeared against him in the evidence of PW-1to PW-5 is not put to him by way of questionnaire and the same is dispensed.
12. Heard both side arguments and perused the written argument filed by the counsel for the DGO and perused all the documents.

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13. The answers to the above points are:

1. In the Affirmative.
2. As per final findings for the following:-

REASONS

14. **Point No.1:-** (a) PW-4/Complainant Sri Prashanth has deposed in his evidence that, he was running Shoe zone shop in Manipal in the year 2015 to 2019. He had supplied Lunar Shoes and socks under Government scheme to Hiriyadka Government Higher Primary School. He had supplied 396 shoes and socks to the school. DGO was working as Head Master in the said school. The amount for supplying shoes was Rs.1,09,992/-. The DGO demanded commission of Rs.20,000/- for payment of amount and on bargain he reduced it to 10% of the bill amount and on further bargain he said that he has to pay at least Rs.7,000/-. He agreed for the same and later on not willing to pay the amount he lodged complaint before Lokayukta police.

PW-4 has further deposed that, on 13/03/2018, DGO had called him to his mobile at 12:30 p.m. and talked with him in Tulu language and asked him to give the commission. He had recorded the conversation in his mobile. On 16/03/2018, he went to Lokayukta police station and he has lodged complaint as per Ex.P-6. The I.O. called for 2 panchas, PW-1 and PW-2 and introduced him to them. The I.O. read the complaint to them.

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PW-4 has further deposed that, he gave 3 notes of Rs.2,000/- denomination and 2 notes of Rs.500/- denomination total Rs.7,000/- to I.O. to lay the trap. The I.O. got smeared some powder on the notes and prepared some solution. The I.O. got the tainted notes kept in his shirt pocket through his staff. The I.O. got the hands of the said staff washed in the solution and it turned to pink colour. The I.O. gave him one voice recorder and instructed him to give the amount to DGO on demand and after acceptance to give signal by wiping his face with towel. The I.O. instructed PW-1 to accompany him and act as shadow witness. The I.O. played the voice recordings which he had produced and burnt into CD and seized it. The I.O. drawn pre-trap mahazar with respect to the above proceedings as per Ex.P-1 and has taken photos.

PW-4 has further deposed that, all of them left the Lokayukta police station and reached Government Higher Primary School, Hiriyadka at 11:00 a.m. he and shadow witness went in his bike. The I.O. and his staff were scattered here and there and he went inside the chamber of the DGO and PW-1 was standing near the water tank. The DGO on seeing him started talking about the commission. He gave the tainted notes to DGO, he received it with his right hand and kept it in his left side shirt pocket. He came out and gave pre arranged signal. The I.O. and his staff and PW-1 and 2 came inside. The I.O. introduced himself to DGO and told him the purpose of coming. The I.O. enquired him and he

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told about what happened and I.O. got the hands of DGO caught and got prepared solution and got both the hands of DGO washed in the solution and solution turned to pink colour. The I.O. seized the sample of the solution. The I.O. seized the shirt of DGO and dipped the portion of the pocket in the solution and it turned to pink colour. The I.O. seized the shirt and solution. The I.O. got the amount removed from the shirt pocket of DGO from his staff and seized it. The I.O. seized the documents. The I.O. arrested the DGO and has drawn trap mahazar with respect to the above proceedings as per Ex.P-2.

PW-4 has further deposed that, he gave the voice recorder to I.O. he played it and got it burnt to CD and seized it. The I.O. called for some teachers and played the voice recordings before them and panchas and they have identified the voice of DGO. That the DGO had demanded the amount for himself and not for school development fund, the bill issued by him is as per Ex.P-21.

b) Nothing material is elicited from the cross examination of PW4 by the DGO counsel to discredit his testimony or put forth his defence.

15. (a) PW-1/Shadow Witness S.Raja has deposed in his evidence that, he was working as group 'D' attendar in Udupi District Surgeon Hospital in the year 2018. CW-3 was working as Pharmacist in their hospital.


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PW-1 further deposed that, on 17/03/2018, his higher officer directed him and CW-3 to go to ACB office to act as panch witness. They both went together and reported before ACB police at 10:15 a.m. The I.O. played the mobile recording which contained conversation between complainant and DGO demanding amount for school and it was in Tulu language. The complainant came on 17/03/2018 to ACB station. The complainant produced 3 notes of Rs.2,000/- and 2 notes of Rs.500/- denomination, total Rs.7,000/- to I.O. The I.O. got the number of the notes noted through CW-3 and got some chemical smeared on the notes. The I.O. took them with him in a jeep, the note was with the I.O. He has signed pre-trap mahazar as per Ex.P-1.

PW-1 further deposed that, they reached the Higher Primary School, Hiriyadkka, Udupi district. The I.O. instructed him to stand near the tank and told to come when I.O. calls. The complainant went inside school and at 11:30 a.m he came out and called him. He went inside the school and saw that the persons who holding the hands of DGO. He has not seen the dipping of hands of DGO in the solution. The solution had turned to pink colour. The amount was not found with DGO. He has signed trap mahazar as per Ex.P-2. That he does not remember the contents of Ex.P-2. The I.O. has seized some documents from the school staff.

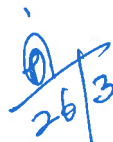
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PW-1 further deposed that, the I.O. had called them again on 24/03/2018. DGO was present. The I.O. played the voice recorder which contained conversation that DGO was telling that amount was for school purpose. He doesn't know whether the I.O. has taken the voice sample of DGO. He has signed mahazar as per Ex.P-3.

(b) At this stage learned Presenting Officer treated PW-1 as hostile and cross examined him suggesting the Disciplinary Authority case. PW-1 has denied that, the complainant was having shop by name 'Shoe zone' which was supplying shoes and socks to the students of Higher Primary school, Hiriyaadkka and for supply of the same the DGO being the Head Master of the school had demanded 10% commission for supply of Rs.1,09,000/- shoes and socks. The DGO had demanded Rs.7,000/- bribe amount and not 10%.

PW-1 has further denied that, CW-1 told that DGO has received the tainted notes and kept it in his pocket and I.O. has instructed him to follow CW-1 and act as shadow witness and inform what transpires between them. PW1 further denied that he accompanied CW-1 to the school and met DGO and when CW-1 asked about work, DGO demanded bribe amount and CW-1 gave him tainted notes and he received it and counted it with both hands and kept it in his pocket. Further denied that to help the DGO, he has falsely deposed.

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PW-1 has further admitted that, the complainant had lodged the complaint and given the recordings in Tulu language and I.O. got the recordings played and burnt it to CD and got it transcribed. Further admitted that I.O. had instructed CW-3 to keep the tainted notes in the pocket of CW-1 and told him to give the amount only if demanded by DGO and after acceptance to give signal by wiping his face with kerchief. Further admitted that I.O. got the hands of CW-3 washed in sodium carbonate solution and solution turned to pink colour and I.O. seized the sample of the solution. I.O. has drawn pre-trap mahazar as per Ex.P-2 about the above proceedings. Further admitted that all of them left the ACB police station in jeep and complainant CW-1 came in his bike to the Higher Primary school, Hiriyaadkka.

PW-1 further admitted that, I.O. has given voice recorder to CW-1 and asked him to switch it on while meeting DGO. Further admitted that CW-1 and CW-3 went inside the school. Further admitted that I.O. got both hands of DGO washed in sodium carbonate solution and the solution turned to pink colour and I.O. seized the sample of solution. Further admitted that I.O. gave alternate shirt to DGO and DGO has given explanation that the amount is for school development and not for bribe and I.O. has drawn trap mahazar as per Ex.P-2.

PW-1 further admitted that, on 24/03/2018, the I.O. has called them and DGO to the ACB police station and made the DGO read the transcription 6 times and recorded the sample

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voice of DGO and conducted mahazar as per Ex.P-3 in this regard.

16. (a) PW-2/Panch Witness, Sandeep Kumar has deposed in his evidence that, he was working as Pharmacist in District Hospital, Udupi in the year 2018.

PW-2 further deposed that, on 17/03/2018, he and PW-1 were asked to go to Lokayukta police station, Udupi to act as panchas by their District Surgeon. They reported before Lokayukta police, Udupi at 7:45 a.m. The I.O. and complainant were present in the police station and the I.O. introduced them to the complainant and briefed them about the complaint that DGO has demanded bribe of Rs.20,000/- from the complainant for disbursing the amount for supply of shoes and socks to the school. Further the complainant told that on bargain DGO has reduced it to Rs.7,000/-. The complainant had recorded the conversation on 15/03/2018 and produced the recordings before the I.O. and the I.O. played the recordings before them and made them to hear the same and got it burnt to CD and got it transcribed. That the conversation was in Tulu language and he is conversant with Tulu language. That the complainant produced 3 notes of Rs. 2,000/- and 2 notes of Rs. 500/- i.e., total Rs. 7,000/- to the I.O. to lay the trap. The I.O. got the number of the notes noted in a sheet as per Ex.P-4. The I.O. got the phenolphthalein powder smeared on both side of the currency notes and got prepared sodium carbonate solution through his


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staff. The I.O. asked him to count the tainted notes and after that asked him to keep the tainted notes in the shirt pocket of complainant. The I.O. got his hands washed in sodium carbonate solution and it turned to pink colour. The I.O. has taken the sample of the solution and sealed it.

PW-2 further deposed that, the I.O. instructed complainant to go to the office of DGO and give the tainted notes and after acceptance give signal by waving the kerchief and I.O. has given voice recorder to the complainant. The I.O. has told PW-1 to accompany the complainant. The I.O. has drawn pre-trap mahazar about the above proceedings as per Ex.P-1.

PW-2 further deposed that, all of them left Lokayukta police station, Udupi and reached Higher Primary School, Hiriyaadka at 11:45 a.m. The complainant went inside the school and PW-1 followed him and stood inside at a little distance. After sometimes complainant came out and gave signal by waving the kerchief. All of them went inside and PW-1 and constable had caught hold of hands of DGO. The I.O. got himself introduced to DGO and told the purpose for coming and enquired him about the tainted notes. The I.O. got both the hands of DGO washed in sodium carbonate solution prepared separately in 2 bowls and both the bowls turned to pink colour. The I.O. has seized the sample of the solution. The I.O. asked to give the tainted notes and gave it to him, he and PW-1 tallied it with Ex.P-4 sheet and they were tallying with each other. The I.O. seized the tainted notes. The

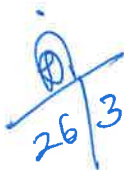
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I.O. seized the shirt of DGO by making alternate arrangement and seized the shirt. The I.O. enquired DGO and he has given explanation as per Ex.P-5. The explanation given by DGO is false. The I.O. called for BEO, Lokeshappa and seized the documents pertaining to complainant. The I.O. received the voice recorder from complainant and played the voice recorder and burnt it to CD and transcribed it. The I.O. called Akkaiah Teacher, Shakunthala Teacher and Ravi Naik Teacher and played the voice recordings recorded prior to pre-trap and at the time of trap before them and they have identified the voice of DGO in the said recordings. The I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-2.

PW-2 further deposed that, on 24/03/2018, the I.O. has called them to the Lokayukta police station, Udupi. The DGO was present. The I.O. made DGO to read the transcription of the recordings 6 times and also made him read the transcription in the phone and recorded the same and burnt it to CD and has drawn mahazar in this regard as per Ex.P-3. The I.O. has arrested the DGO.

(b) Nothing material is elicited from the cross examination of PW2 by the DGO counsel to discredit his testimony or put forth his defence.

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17. (a) PW-3/Investigating Officer, B.S.Sathisha has deposed in his evidence that, he has worked as Police Inspector in ACB, Udupi from August 2016 to October 2021. On 16/03/2018, Dinakar Shetty, Dy.SP, ACB, Udupi received complaint from the complainant and had registered the complaint with respect to demand of bribe by DGO as per Ex.P-6. That he can identify the signature of the Dy.SP in the complaint. Dy.SP has registered the complaint and prepared FIR as per Ex.P-7 and submitted the same to the jurisdictional court.

PW-3 further deposed that, on 16/03/2018, Dinakar Shetty, Dy.SP, ACB, Udupi has handed over the case for further investigation to him and he has received the same. The complainant was present he called for panchas by name Raja and Sandeep from District Government Hospital, Udupi by sending requisition letter as per Ex.P-8. Panch witnesses appeared before him on the same day at 4:30 p.m. By that time the complainant had left the station so, he asked them to come on the next day at 7:45 a.m.

PW-3 further deposed that, on 17/03/2018, complainant and PW-1 and PW-2 panch witnesses appeared before him at 7:45 a.m and he introduced complainant to the panchas and checked the persons and he gave the FIR copy to panchas to read. That he played the mobile recordings before the panchas and the complainant and got it burnt to CD through laptop. The complainant produced 3 notes of Rs.2,000/- denomination and 2

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notes of Rs.500/- denomination total Rs.7,000/-. The complainant gave the notes to PW-2 and he asked him to note the denomination on a sheet as per Ex.P-4 and got phenolphthalein powder smeared on the notes and gave it to PW-2 to count the same and he got sodium carbonate solution prepared by his staff and he has taken the sample of the same. That he got both the hands of PW-2 washed in the sodium carbonate solution and the solution turned to pink colour and he got the sample of the same. That he got the tainted notes kept in the left side shirt pocket of the complainant through PW-2 and he instructed the complainant to give the tainted notes to DGO only on demand and after acceptance to give signal by wiping his face with kerchief. That he instructed PW-1 to accompany complainant and act as shadow witness. That all of them washed their hands thoroughly and he has taken the photos of the proceedings. That he has drawn pre-trap mahazar with respect to the above proceedings as per Ex.P-1.

PW-3 further deposed that, all of them left the ACB police station, Udupi and reached the Higher Primary School, Hiriyaadka, Udupi Taluk at 11:20 a.m. and they got information that DGO is in the School. That he sent complainant and PW-1 to the School and after sometimes the complainant came out and gave signal by wiping his face with hand kerchief.

PW-3 further deposed that, he, his staff, PW-2 went inside the chamber of the DGO. The DGO was present, he introduced

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himself to the DGO and told him the purpose of coming. That he met the complainant at the entrance and enquired him and he told that DGO has received the bribe amount and kept it in his shirt left pocket. That he received the voice recorder and he asked the DGO to produce the tainted notes. The DGO produced the tainted notes from his shirt pocket and he got it tallied with Ex.P-4 sheet through PW-2 and they were tallying so, he seized the tainted notes.

PW-3 further deposed that, he got sodium carbonate solution prepared in 2 bowls through his staff and got both the hands of DGO washed separately in both the bowls and the solution in both the bowls turned to pink colour. That he called the BEO through phone to come to the chamber of DGO and seized the shirt of DGO by making alternate arrangement. That he has taken the photos of the proceedings. Lokeshappa, BEO, Udupi Taluk came to the chamber of DGO and he informed him about the case and he seized the copies of the documents pertaining to the complainant as per Ex.P-9. The DGO has given explanation as per Ex.P-5. That he has sealed the seized articles and he has drawn trap mahazar with respect to the above proceedings as per Ex.P-2 and has arrested the DGO and followed the arrest procedure. That he returned to the ACB station along with seized articles and DGO and reported the seized articles in PF and produced DGO before jurisdictional Court.

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PW-3 further deposed that, he has got the voice recordings burnt to CD and got it transcribed and seized the CD. That he has drawn rough sketch of the spot as per Ex.P-10. That he has taken the statement of the witnesses. That he has taken photos at the time of pre-trap mahazar and trap mahazar as per Ex.P-11. That he got the sketch of the spot prepared through PWD Engineer as per Ex.P12.

PW-3 further deposed that, he has given requisition to give the CDR of DGO and he received the CDR and 65(B) certificate issued by the Nodal Officer on 14/09/2018 as per Ex.P-13. That he has given requisition to give the CDR of complainant and he received the CDR and 65(B) certificate issued by the Nodal Officer on 14/09/2018 as per Ex.P-14. That on 17/03/2018, he has taken the 65(B) certificate of system operator, Prasanna Devadiga with respect to transfer of voice recordings from voice recorder to CD as per Ex.P-15.

PW-3 further deposed that, on 24/03/2018 he has called PW-1, PW-2 and DGO to ACB station, Udupi and they appeared before him at 10:00 a.m. that he got the sample voice of DGO recorded by making DGO read the transcription of the earlier recordings and burnt it to CD and he seized the same and he has drawn mahazar in this regard as per Ex.P-3. That on the same day he has taken the 65(B) certificate of system operator, Prasanna Devadiga with respect to transfer of voice recordings from voice recorder to CD as per Ex.P-16. On 26/05/2018, he

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has taken the 65(B) certificate of Varna Nice Printers with respect to taking Ex.P-11 photos at the time of pre-trap mahazar and trap mahazar as per Ex.P-17. That he has sent the seized CD to FSL for report.

PW-3 further deposed that, on 17/04/2018, he was deputed for training so, he has handed over the case for further investigation to Dinakar Shetty, Dy.SP. After receiving the case for further investigation Dy.SP received the service details of DGO as per Ex.P-18. On 03/05/2018, he has received the case for further investigation from Dinakar Shetty, Dy.SP and on 10/01/2020, he has received the chemical examination report and voice analysis report from FSL as per Ex.P-19 and Ex.P-20 respectively. That he filed the charge sheet against the DGO after obtaining sanction.

(b) Nothing material is elicited from the cross examination of PW3 by the DGO counsel to discredit his testimony or put forth his defence.

18. (a) PW-5/Lokeshappa K.B. has deposed in his evidence that, he was working as BEO, Udupi from 06/02/2018 to 17/11/2018. That he knows the DGO, he was working as Head Master of Government Higher Primary School, Hiriyadka during March 2018. He came to know that DGO was trapped while taking money for supply of shoes to the school. On 17/03/2018, I.O.

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has called him to Government Higher Primary School, Hiriyaadka and he went to the said school and came to know that DGO has been trapped. The I.O. played the voice recorder before him and teachers by name Akkaiah and Shakunthala who were working as Assistant teachers under DGO. Akkaiah and Shakunthala identified the voice of DGO. The I.O. has seized the documents and he, Akkaiah and Shakunthala have signed the Ex.P-2 trap mahazar.

PW-5 further deposed that, the in-charge BEO has visited the Government Higher Primary School, Hiriyaadka and has stated that he has given separate report as per Ex.P-22.

PW-5 further deposed that, he has given statement to I.O. as per Ex.P-23. The DDPI has sent letter to him to serve the copy on DGO for recovery of money which is in page no.1 of Ex.P-9. He has given notice dated 27/02/2018 to DGO in this regard, which is in page no.2 of Ex.P-9. The I.O. has seized the documents and got it attested by him.

(b) Nothing material is elicited from the cross examination of PW5 by the DGO counsel to discredit his testimony or put forth his defence.

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19. The DGO has got himself examined as DW-1 and has filed his affidavit in lieu of his chief examination and reiterated the written statement averments.
20. On perusal of documents, evidence of P.W.4/complainant, P.W.1/ Shadow witness, PW2/panch witness and P.W.3/Investigating Office, it reveals that on 16/03/2018 the complainant lodged complaint in ACB police station, Udupi against DGO the Head Master in Hiriyadka Government Higher Primary School that he is demanding bribe of Rs7,000/- for having issued cheque for supply of shoes and socks to the said school as per Exp6 and PW3.I.O. has called for PW1& PW2 panchas and PW4/Complainant produced 3 currency notes of Rs.2,000/- denomination and 2 currency notes of Rs.500/- denomination to lay the trap and their numbers were noted in a sheet as per Exp4 and PW3/I.O .got phenolphthalein powder smeared to them and got the tainted notes kept in the left side shirt pocket of PW4/complainant and got sodium carbonate solution prepared and got the hands of PW2 washed in the same and the solution turned to pink colour and PW3/I.O. seized the sample of the solution and instructed PW4/Complainant to give the tainted notes only if demanded by DGO and after doing so to give signal by wiping his face with kerchief and pre-trap proceedings were conducted as per Exp1 and thereafter they left the ACB Police station and reached the Hiriyadka Government Higher Primary School.

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Further PW4, PW2 & PW3 evidence also reveals that, PW4 & PW1 went inside the chamber of DGO and after some time PW4 gave signal by wiping his face with kerchief and immediately PW3 along with PW2 and his staff entered the chamber of DGO and PW1 showed DGO and told that DGO demanded and accepted tainted amount Rs.7,000/- and kept in his left side shirt pocket.

PW-1 has clearly deposed about demand and acceptance of tainted notes by DGO on enquiry of his work. PW-1 shadow witness stated that he has not accompanied PW-4 inside the chamber of DGO and has not seen demand and acceptance of bribe of DGO. He is treated partly hostile and cross examined by learned Presenting Officer but he has denied the above suggestion that he accompanied PW4 and has seen the demand and acceptance of tainted notes by DGO. But PW4, PW2 & PW3 have categorically deposed that PW1/ shadow witness accompanied PW4/Complainant to the chamber of DGO. Nothing is elicited from the cross examination of PW4/complainant by the DGO counsel to discredit his testimony with respect to demand and acceptance of bribe amount by the DGO in his chamber or to put forth the defence of DGO.

Further the evidence of PW1 to PW4 reveal that they went into the office of DGO and I.O. enquired PW4 and he told that he has given the tainted notes to DGO and the I.O. got prepared Sodium Carbonate solution and got both hands of DGO washed

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in the said solution separately in 2 bowls and it turned pink colour. Further the evidence of PW1 to PW4, reveals that PW3/I.O. has got the tainted notes removed through PW2 and they were tallying with the notes noted in ExP4 sheet and the I.O has seized the same. Further the evidence of PW4/Complainant, PW-2/Panch witness and PW-3/I.O. reveal that PW3/I.O has seized the shirt of DGO and by making alternate arrangement to DGO and taken the photos of the proceedings.

Further their evidence reveal that PW3/I.O. prepared rough sketch and seized the documents pertaining to PW4/ complainant as per Ex.P9. Further their evidence also reveals that PW3/ I.O. enquired DGO and he has given explanation as per Ex.P-5 and PW4/ Complainant has stated that the explanation given by DGO is false. Further their evidence also reveals that PW3/ I.O. called for BEO, Lokeshappa and seized the documents pertaining to complainant and received the voice recorder from complainant and played the voice recorder and burnt it to CD and transcribed it. Further their evidence also reveals that PW3/ I.O. called Akkaiah Teacher, Shakunthala Teacher and Ravi Naik Teacher and played the voice recordings recorded prior to pre-trap and at the time of trap before them and they have identified the voice of DGO in the said recordings and PW3/I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-2.

21. The defence of DGO is that on 17/03/2018 at 11.15 a.m. when he was in his chamber doing his work the complainant

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came and told that he is willing to help the school development committee for giving business of Rs.1,09,000/- for supplying shoes and socks to the school and one Santhosh, President of SDMC had informed him earlier that Prashanth would come and give the amount and the complainant told that he is having only Rs.7,000/- and gave the amount and he received it as he had not told that it is for him and immediately the ACB police came and surrounded him stating that he has taken bribe amount. The DGO has given explanation in this regard as per Exp-5 with respect to possession of tainted notes as stated above. This fact is specifically denied by PW-4 in his cross examination by the DGO counsel and nothing is elicited from him in support of the defence of the DGO and to disbelieve the evidence of PW4. The DGO though examined himself as DW1, except his self serving evidence he has not adduced evidence to prove his defence.

22. It is pertinent to note here that DGO has admitted that he has received Rs 7000/- tainted notes from PW4 on that day, but contends that it was received as school development charges. PW4 has specifically denied his suggestion put forth by DGO counsel in his cross examination. Further DGO has not adduced any evidence on his behalf to prove the above contention. As such his defence cannot be believed. The


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explanation/contention of DGO i.e., ExP-5 is not proved and substantiated by leading cogent convincing evidence by DGO. P.W.4 has specifically denied the explanation given by DGO.

23. Further DGO contended that he has continuously made correspondence with Revenue Department to allot for play ground of the school which reserved for Vishwakarma Bhramanara Sangha and achieved 80% progress in this regard which caused anger to the President of the Grama Panchayath, Ex-member of SDMC committee Smt.Malathi V Acharya and Santosh Devadiga President of SDMC committee and Vital Myandan member of SDMC committee have colluding with the complainant owner of the shoe shop and in order to get the DGO removed from the school with a malafied intention have implicated in this false case. That DGO has rendered service for 33 years without any fraud or cheating and has continuously worked for the development and progress of the school and the student and there is no allegation made against him. That he has already retired on 30/05/2020 and there is no necessity for him to ask to meagre amount of Rs.7,000/-. That by making false allegation they have tarnished his image. But in support of the above contention except the self serving evidence of DGO he has not adduced any evidence on his behalf to prove the above contention. As such his defence cannot be believed.


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24. It is sought to contend in the course of argument of DGO that there was no work pending before DGO and therefore the question of demand and acceptance of illegal gratification from the complainant is out of picture. Further it is the contention of the DGO that the cheque was already given to the complainant and the amount was credited to his account. Hence, no work of the complainant was pending with him and as such demand and acceptance of illegal gratification will not arise. The DGO in order to prove the above contention except his self serving evidence has not placed any material before this authority. As such the self serving evidence of DGO cannot be believed.
25. The Disciplinary Authority has examined one Lokeshappa K.B., Block Education Officer (BEO) who has deposed that, the in-charge BEO has visited the Government Higher Primary School, Hiriyadka and has stated that he has given separate report as per Ex.P-22. He has given statement to I.O. as per Ex.P-23. Further he has deposed that the DDPI has sent letter to him to serve the copy on DGO for recovery of money which is in page no.1 of Ex.P-9. He has given notice dated 27/02/2018 to DGO in this regard, which is in page no.2 of Ex.P9. The I.O. has seized the documents and got it attested by him.
26. On perusal of Ex.P-22 which is the visit report submitted by the then BEO who has stated that after inspection of Higher


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Primary School, Hiriyaadka on 05/12/2017 and checking the SDMC account, Akshara Dasoha document he has submitted report. Ex.P-23 is the statement given by PW-5 to the I.O. wherein he has stated that he has given document i.e., memo dated 10/01/2018 given by DDPI to the then BEO stating that the SDMC committee members have made accusation against DGO that he is collecting money and he is misusing the amount received for Akshara Dasoha stock, salary received to pay the Honorary teachers by the school and the BEO has visited the school and has submitted report that he has misappropriated Rs.1,68,158/- amount pertaining to school Akshara Dasoha. Hence, has directed the BEO to recover Rs.1,68,158/- with interest at the rate of Rs.8% per annum from the DGO the Head Master of Higher Primary School, Hiriyaadaka which he had collected from the children without any orders of department or SDMC which is marked as Ex.P-9 and in turn the BEO has given notice to the DGO. These documents go to show that the DGO was in the habit of collecting money in the name of developmental charges without the orders of department or SDMC committee. Though the work of the complainant was not pending according to PW-4/complainant DGO has pestered him to pay Rs.7,000/- for having issued cheque for supply of shoes and socks to Higher Primary School, Hiriyaadaka. The DGO has admitted having received Rs.7,000/- from DGO as

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amount for development of the school but, he has not produced any order copy in support of his contention to show that he was authorised to collect the school development amount from school children or other parties. In the absence of any such document it cannot be believed that DGO has received the above said amount for development of the school and nothing is elicited from the cross examination of PW-4/complainant to discredit his testimony that he has given the amount which is demanded by DGO as bribe for official favour. This clearly goes to show that the DGO has demanded bribe of Rs.7,000/- from complainant and has accepted the same.

27. It is pertinent to note here that the complainant/PW-4 has produced the recordings of the conversation taken place between complainant and DGO on 15/03/2018 at the time of pre-trap mahazar conducted on 17/03/2018 which is marked in Pre trap Mahazar as per Ex.P-1. On perusal of the transcription of the voice recorder the conversation clearly goes to show the demand of bribe of Rs 7000/- by the DGO from the complainant with respect to issued of cheque for supply of shoes and socks to the school by the complainant. Further the recordings at the time of trap proceedings is transcribed in Trap Mahazar as Exp2. This also reveal the demand of bribe by DGO from the complainant. The said



recordings have been played before panchas, Akkaiah Teacher, Shakunthala Teacher, Ravi Naik Teacher and PW-5/Lokeshappa K.B. BEO, Udupi and Akkaiah Teacher, Shakunthala Teacher, Ravi Naik Teacher have identified the voice of DGO recorded during trap and prior to trap. As such all these proceedings goes to show that the DGO has demanded bribe for having issued cheque for supply of shoes and socks to the school and as accepted the bribe amount.

28. During evidence PW3/I.O. he has referred to Ex P1, 2, 13 to 16 & 20, It is in his evidence that on 17/03/2018 he conducted pre trap mahazar as per ExP1 and during the said mahazar, he took the voice recorder from PW1 and he played the mobile recordings before the panchas and the complainant and got it burnt to CD through laptop. Further he has deposed that PW-3 further deposed that, he has got the voice recordings burnt to CD and got it transcribed and seized the CD. PW-3 further deposed that, he has given requisition to give the CDR of DGO and he received the CDR and 65(B) certificate issued by the Nodal Officer on 14/09/2018 as per Ex.P-13. That he has given requisition to give the CDR of complainant and he received the CDR and 65(B) certificate issued by the Nodal Officer on 14/09/2018 as per Ex.P-14. That on 17/03/2018, he has taken the 65(B) certificate of system operator, Prasanna Devadiga with respect to transfer of voice recordings from voice recorder to CD as per Ex.P-15.

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29. PW-3 further deposed that, on 24/03/2018 he has called PW-1, PW-2 and DGO to ACB station, Udupi and they appeared before him at 10:00 a.m. that he got the sample voice of DGO recorded by making DGO read the transcription of the earlier recordings and burnt it to CD and he seized the same and he has drawn mahazar in this regard as per Ex.P-3. That on the same day he has taken the 65(B) certificate of system operator, Prasanna Devadiga with respect to transfer of voice recordings from voice recorder to CD as per Ex.P-16. That he has sent the seized CD to FSL for report. That on 10/01/2020, he has received the voice analysis report from FSL as per Ex.P-20. On perusal of ExP20 voice analysis report it reveals that the sample voice is similar to the voice recorded in the CD prior to trap and trap proceedings. Nothing material is elicited from the cross examination of PW3 by the DGO counsel to discredit his testimony. As such the Ex P1, 2, 13 to 16 & 20, can be pressed into service in which it is seen that DGO demanded illegal gratification. Therefore, it needs to be inferred that demand and acceptance of cash by the DGO attracts misconduct. It needs to be inferred that since the file of the complainant issue of cheque for supply of shoes and socks to the school by the complainant was attended by DGO he must have insisted to fulfil the demand for illegal gratification. In these circumstances, the DGO has not placed any material to lend assurance to the defence put forward by him.

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30. Nothing is found in the evidence of PW2 to PW4 that DGO herein was not found in possession of tainted cash. In these circumstances, the DGO has not lead any clear, cogent and convincing oral or documentary evidence to lend assurance to the defence put forward by him and would not lend support to his defence.
31. It is well settled that in the criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry of this nature. In order to establish the charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988, prosecution has to establish demand and acceptance of illegal gratification in order to extend official favour. Mere possession of tainted cash in the absence of demand will not attract the charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988. Evidence of PW4 establishes demand of bribe by DGO. Evidence of PWs 2 to 4 establishes possession of tainted cash by DGO. Evidence of PWs 2 to 4 establishes change of colour of both hand finger wash of


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DGO and also recovery of tainted cash from the possession of DGO. Further Ex.P-19 i.e., FSL report reveals the presence of phenolphthalein in the right and left hand wash of DGO and currency notes which corroborates the case of the disciplinary authority. Mere possession of tainted cash in the absence of satisfactory explanation attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. In the presence of evidence of PWs 2 to 4 as discussed above I am not persuaded to accept the defence put forward in the course of written statement and also contentions raised in the course of written argument of DGO.

32. From the evidence of P.W.4 complainant PW-2 Panch witness and PW3 Investigating Officer, the disciplinary authority has proved the pre-trap mahazar proceedings as per Ex.P1 and the evidence of PW2 to PW4 has proved the trap proceedings as per Ex.P2. Merely PW1/Shadow witness has turned hostile will not disprove the case of Disciplinary Authority. Except minor discrepancies which does not go to the root of the Disciplinary Authority case, nothing material is elicited from the cross examination of PW2 PW3 and P.W.4 to discredit their testimony with respect to conducting of trap proceedings i.e., Pre-trap mahazar Ex.P1 and post trap mahazar Ex.P-2.
33. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W2 to PW5, Ex.P-1 to P-23, as reasoned above, proves that the DGO had demanded and accepted bribe of Rs.7,000/- from

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P.W.4/complainant on 17/03/2018. The disciplinary authority has proved the charges against this DGO. The DGO has committed misconduct, dereliction of duty acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of K.C.S. Conduct Rules, 1966. Accordingly, this point is answered in the **Affirmative.**

34. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

F I N D I N G S

The disciplinary authority has proved the charges against the DGO Sri M.K.Vasudev S/o Late Kariya, Head Master, Government Higher Primary School, Hiriyadka, Udupi, R/@ Sangati New Colony, Kodanduru Village, Udupi Taluk, Udupi District.

The date of Retirement of DGO is 31/05/2020.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter.


26/3/2024

(J.P. Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. S.Raja
 PW2:- Sri. Sandeep Kumar
 PW3:- Sri. B.S.Sathisha
 PW4:- Sri.Prashanth
 PW5:- Sri.Lokeshappa K.B.

List of witnesses examined on behalf of the Defence:-

DW1:- Sri.M.K.Vasudeva

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Attested copy of pre-trap mahazar dated 17/03/2018.
Ex P2	Attested copy of trap mahazar dated 17/03/2018.
Ex P3	Attested copy of mahazar dated 24/03/2018.
Ex P4	Attested copy of list of currency notes.
Ex P5	Attested copy of statement of DGO dated 17/03/2018.
Ex P6	Attested copy of complaint dated 17/03/2018.
Ex P7	Attested copy of FIR in Cr.No.3/2018.
Ex P8	Attested copy of requisition letter.
Ex P9	Attested copy of documents pertaining to complainant.
Ex P10	Attested copy of Rough sketch. 65(B) certificate.
Ex P11	Attested copy of photos.
Ex P12	Attested copy of sketch prepared by PWD Engineer.
Ex P13	Attested copy of CDR of DGO and 65(B) certificate.


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Ex P14	Attested copy of CDR of complainant and 65(B) certificate.
Ex P15 and 16	Attested copy of 65(B) certificate of system operator.
Ex P17	Attested copy of 65(B) certificate of Varna Nice Printers.
Ex P18	Attested copy of service details of DGO.
Ex P19	Attested copy of Chemical Examiner's Report.
Ex P20	Attested copy of FSL Report.
Ex P21	Attested copy of Bill.
Ex P22	Attested copy of BEO report.
Ex P23	Attested copy of statement of BEO.

List of documents marked on behalf of Defence:-

Nil


26/3/2024
(J.P. Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta, Bangalore.