

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/973/2017/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 29.8.2022

**:: ENQUIRY REPORT ::****:: Present ::****( S.GOPALAPPA )**

**I/c Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Inquiry against  
Sri.H.N.Shivakumaraiah, Second Division  
Assistant, Tumakuru Mahanagara Palike,  
Tumakuru - reg.

Ref: 1. G.O.No. UDD 26 TMP 2017 dated:  
25.7.2017

2.Nomination Order No: UPLOK-  
2/DE/973/2017/ARE-9 Bangalore  
dated:30.8.2017 of Hon'ble Upalokayukta-2

\* \* \* \* @ \* \* \* \*

This Departmental Inquiry is initiated against  
Sri.H.N.Shivakumaraiah, Second Division Assistant, Tumakuru  
Mahanagara Palike, Tumakuru (hereinafter referred to as the  
Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at  
reference No.1, Hon'ble Upalokayukta vide order dated 30.8.2017  
cited above at reference No.2 has nominated Additional Registrar of

Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGO.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO are as under :

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

ಆಸನೌ ಆದ ನೀವು -

1) ತುಮಕೂರು ಪಟ್ಟಣದ ಸ. ನಂ: 22/ಬಿ ನಿವೇಶನ ಸಂ: 15 ವಿಸ್ತೀರ್ಣ 60 x 53 ಅಡಿಗಳು ದೂರುದಾರರ ತಾತನ ಹೆಸರಿನಲ್ಲಿದ್ದು ಅವರು ಸುಮಾರು 18 ವರ್ಷಗಳ ಹಿಂದೆ ತೀರಿಕೊಂಡಿರುತ್ತಾರೆ. ದೂರುದಾರರು ತನ್ನ ಹೆಸರಿನಲ್ಲಿ ಖಾತೆ ಮಾಡಿಕೊಡುವಂತೆ ಆಸನೌ ಆದ ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾಗಿ ವಿಚಾರಿಸಿದಾಗ ರೂ.20,000/- ಗಳ ಲಂಚ ಕೇಳಿದ್ದು ಕೊನೆಗೆ ರೂ.16,000/- ಕೊಟ್ಟರೆ ಖಾತೆ ಮಾಡಿಕೊಡುವುದಾಗಿ ಇಲ್ಲದಿದ್ದರೆ ಖಾತೆ ಮಾಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

2) ದಿನಾಂಕ: 24.4.2015ರಂದು ಬೆಳಿಗ್ಗೆ 11.19 ಗಂಟೆಗೆ ದೂರುದಾರರು ಹಾಗೂ ನೆರಳುಸಾಕ್ಷಿ ಎಸ್.ಕೆ.ರಾಜಯ್ಯರವರು ತುಮಕೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಛೇರಿಗೆ ಹೋಗಿ ಆಸನೌ ಆದ ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾದಾಗ, ಕಂದಾಯ ಶಾಖೆಯಲ್ಲಿ ಕುಳಿತಿದ್ದ ಆಸನೌ ಆದ ನೀವು ಲಂಚದ ಹಣ ಕೇಳಿದ್ದು ಆಗ ದೂರುದಾರರು ರೂ.5000/- ಗಳನ್ನು ನೀಡಿದಾಗ ಅದನ್ನು ಪಡೆದುಕೊಂಡು ಬಲಗೈನಿಂದ ಪ್ಯಾಂಟಿನ ಬಲ ಮುಂಭಾಗದ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುತ್ತೀರಿ. ಆಗ ಪೊಲೀಸರು ದಾಳಿ ಮಾಡಿದ್ದಾರೆ. ಅದೇ ದಿವಸ ಸದರಿ ಲಂಚದ ಹಣ ರೂ.5,000/- ಗಳನ್ನು

ಆಸನೌ ಆದ ನಿಮ್ಮಿಂದ ಪಂಚನಾಮೆ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿಗಳು  
ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ  
ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ  
ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)  
ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

## ANNEXURE - 2

### STATEMENT OF IMPUTATIONS OF MISCONDUCT

ಮಾನ್ಯ ಅಪರ ಪೊಲೀಸ್ ಮಹಾ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,  
ಬೆಂಗಳೂರು, ಇವರು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಪೊಲೀಸ್  
ನಿರೀಕ್ಷಕರ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತನಿಖಾ ವರದಿ  
ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ವರದಿಯಲ್ಲಿ ಶ್ರೀ  
ಹೆಚ್.ಎನ್.ಶಿವಕುಮಾರಯ್ಯ, ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕರು, ತುಮಕೂರು ಮಹಾನಗರ  
ಪಾಲಿಕೆ ಕಛೇರಿ, ತುಮಕೂರು ಇವರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿದ್ದು ದುರ್ನಡತೆ  
ತೋರಿಸಿರುವುದಾಗಿ ವರದಿ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ, ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಸನೌ  
ರವರು ದುರ್ನಡತೆ ತೋರಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆಯ ಕಲಂ 9ರ ಅಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲಾಗಿದೆ.

#### ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತುಮಕೂರು ಪಟ್ಟಣದ ಸ. ನಂ: 22/1ಬಿ  
ನಿವೇಶನ ಸಂ: 15 ವಿಸ್ತೀರ್ಣ 60 x 53 ಅಡಿಗಳು ತಮ್ಮ ತಾತನ ಹೆಸರಿನಲ್ಲಿದ್ದು ಅವರು  
ಸುಮಾರು 18 ವರ್ಷಗಳ ಹಿಂದೆ ತೀರಿಕೊಂಡಿರುತ್ತಾರೆ. ದೂರುದಾರರು ತನ್ನ ಹೆಸರಿನಲ್ಲಿ  
ಖಾತೆ ಮಾಡಿಕೊಡುವಂತೆ ಆಸನೌ ರವರನ್ನು ಭೇಟಿಯಾಗಿ ವಿಚಾರಿಸಿದಾಗ ರೂ.20,000/-  
ಗಳ ಲಂಚ ಕೇಳಿದ್ದು ಕೊನೆಗೆ ರೂ.16,000/- ಕೊಟ್ಟರೆ ಖಾತೆ ಮಾಡಿಕೊಡುವುದಾಗಿ

ಇಲ್ಲದಿದ್ದರೆ ಖಾತೆ ಮಾಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

ದೂರುದಾರರಿಗೆ ಲಂಚ ಹಣ ಕೊಡುವುದು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ತುಮಕೂರು ಇವರ ಕಛೇರಿಗೆ ಹೋಗಿ ಆಸನೌ ರವರು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿದ ಬಗ್ಗೆ ಅವರು ಮೊಬೈಲ್‌ನಲ್ಲಿ ರೆಕಾರ್ಡ್ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ಬಂದು ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್ ಕೇಳಿಸಿ ಅದರ ಪ್ರಕಾರ ಸದರಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಮೊ.ಸಂ.3/2015 ರಂತೆ ಪಿ.ಸಿ.ಕಾಯಿದೆ ಕಲಂ 7,13(1)(ಡಿ) ಸಹ ಕಲಂ 13(2) ರಂತೆ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ದಾಖಲಾಗಿರುತ್ತದೆ.

ದಿನಾಂಕ: 24.4.2015ರಂದು ಬೆಳಿಗ್ಗೆ 11.19 ಗಂಟೆಗೆ ದೂರುದಾರರು ಹಾಗೂ ನೆರಳುಸಾಕ್ಷಿ ಎಸ್.ಕೆ.ರಾಜಶೇಖರಯ್ಯರವರು ತುಮಕೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಛೇರಿಗೆ ಹೋಗಿ ಆಸನೌ ರವರನ್ನು ಭೇಟಿಯಾದಾಗ, ಕಂದಾಯ ಶಾಖೆಯಲ್ಲಿ ಕುಳಿತಿದ್ದ ಆಸನೌ ರವರು ಲಂಚದ ಹಣ ಕೇಳಿದ್ದು ಆಗ ದೂರುದಾರರು ರೂ.5000/- ಗಳನ್ನು ನೀಡಿದಾಗ ಅದನ್ನು ಪಡೆದುಕೊಂಡು ಬಲಗೈನಿಂದ ಪ್ಯಾಟಿನ ಬಲ ಮುಂಭಾಗದ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುತ್ತಾರೆ. ಆಗ ಪೊಲೀಸರು ದಾಳಿ ಮಾಡಿದ್ದಾರೆ. ಅದೇ ದಿವಸ ಸದರಿ ಲಂಚದ ಹಣ ರೂ.5,000/- ಗಳನ್ನು ಆಸನೌ ರವರಿಂದ ಪಂಚನಾಮೆ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿಗಳು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಈ ಎಲ್ಲಾ ಜಪ್ತು ಪಡಿಸಿಕೊಂಡ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಆಸನೌ ರವರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದರಿಂದ ತನಿಖಾಧಿಕಾರಿಗಳು ನ್ಯಾಯಾಲಯಕ್ಕೆ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು, ದೂರು ಅರ್ಜಿ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿ ಸಂಗ್ರಹಿಸಿದ ದಾಖಲೆ ಮತ್ತು ಇತರ ಅಂಶಗಳು, ಆಸನೌ ರವರ ಸತತವಾದ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ.

ಆಸನೌ ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ದೂರಿನಲ್ಲಿನ ಆಪಾದನೆಗಳನ್ನು ಅಲ್ಲಗಳೆದು ತಾನು ಯಾವುದೇ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿದ್ದಾರೆ.

ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಿದ ದೂರು ಮತ್ತು ದಾಖಲಾತಿಗಳು, ಆಕ್ಷೇಪಣೆ, ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಮೇಲ್ನೋಟಕ್ಕೆ ಪ್ರಕರಣ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಕಡತದಲ್ಲಿನ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಆಸನೌ ರವರು ಸಲ್ಲಿಸಿದ ಆಕ್ಷೇಪಣೆಗಳು ಅವರ ಮೇಲಿನ ಆಪಾದನೆಗಳನ್ನು ಅಲ್ಲಗಳೆಯಲು ಹಾಗೂ ಅವರ ವಿರುದ್ಧದ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲು ಸಮಂಜಸವಾಗಿರುವುದಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

ಆಸನೌ ರವರು ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮ 3(i) ಮತ್ತು (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದು, ಆಸನೌ ರವರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ ಆಸನೌ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-9 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆ.

5. The Article of charge was issued to the DGO calling upon him to appear before this authority and to submit written statement.

6. The DGO appeared before this inquiry authority in pursuance to the service of the Article of charges. First Oral Statement was recorded on 20.9.2018 and plea of the DGO has been recorded and he pleaded not guilty and claimed for holding inquiry. Thereafter, he submitted written statement.

7. In his written statement, DGO has denied the allegations. Further he has stated that he never demanded bribe from complainant at any time and he never accepted the bribe of Rs. 5,000/- during the trap proceedings on 24.4.2015. He further submits that a charge sheet on the same offences is filed before the Additional District and Sessions Judge, Tumkur against him on the same allegations, the said case is pending for trial and there is no need to conduct parallel departmental enquiry on the basis of the similar charge. He has further submitted that he never touched the bribe amount in the course of the alleged trap proceedings. The complainant has filed a false case before the Karnataka Lokayukta and a false trap is laid against him with an ulterior motive and in connivance with the persons enmity towards him. The averments made in the Articles of charge and imputations are all denied by him, further stated that he has not committed any misconduct and he is an innocent and honest Government servant and he has maintained absolute integrity. With these grounds, he prayed to drop the charges leveled against him.

8. The disciplinary authority has examined the complainant Sri.Thameem Irson, S/o Mansoor Najeer, Driver, Okkodi Road, Heggere, Tumkur as PW.1, Sri.S.K.Rajaiah, S/o Late Kriyappa, SDA, Taluk Panchayath, Tumkur (shadow witness) as PW-2, Sri. M.R.Gowtham S/o Dr.D.K.Rajendra, the then Deputy Superintendent

of Police, Karnataka Lokayukta Ramanagara as PW-3 and got marked documents as **Ex.P-1 to ExP-33**.

9. Thereafter, second oral statement of DGO has been recorded. DGO Sri.H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru has got examined himself as DW-1 and has not marked any documents.

10. Heard the submissions of Presenting Officer and DGO. DGO submitted written brief. Perused the entire records. The only point that arise for my consideration is:

**1. Whether the Disciplinary Authority proves the charge framed against the DGO ?**

My finding on the above point is in **AFFIRMATIVE** for the following:

**REASONS**

11. PW-1 is the complainant, who had given complaint against the DGO to Karnataka Lokayukta Police, Tumkur and PW-2 is said to be the shadow witness, who had accompanied the complainant at the time of trap and he is also said to be an eye witness to the incident of DGO demanding and accepting bribe amount from the complainant at the time of trap. PW-3 is the Investigating officer who had registered case against the DGO on the complaint filed by PW-1 and arranged trap and filed charge sheet in the court.

12. PW-1 Sri.Thameem Irson, has deposed in his evidence that he is the complainant of this case. He knows DGO, who was working in Tumkur mahanagara Palike. His grandfather Nazir Ahmed had a site No. 15, 6053 of Survey No.22/1B at Tumkur Taluk Kasaba hobli

Batawadi which was standing in the name of his grandfather. After the death of his grandfather himself and his friend met DGO who was working in Tumkur Municipal Corporation to transfer the mutation to his father's name. At that time Sri. Hanumantharaju was along with DGO. DGO asked for a bribe of Rs. 25,000/-. When he bargained DGO insisted to pay Rs.16,000/-. Then they demanded a bribe of Rs.15,000/- He had discussed the issue with his friend Sri.Rafiq Ahmed, They recorded it in the mobile. Then they went to Tumkur Lokayukta office and filed a complaint as per Ex.P-1.

13. Further PW-1 has deposed that after filing complaint the Investigating officer secured two government employees named Rajanna and Rajaiah to the Karnataka Lokayukta office and introduced them, informed them about the complaint. The conversation recorded on the mobile phone was transcribed and then a CD was also made. When he produced 10 notes of Rs.500/- each total Rs. 5000/- was verified by a puncha and its value and currency numbers were written on a white sheet as Ex.P-2.

14. Further PW-1 has deposed that with the help of Lokayukta staff, the Investigating officer smeared the powder to the said notes and gave them to the witness Sri. Rajanna. He verified it and put it in a cover and kept it in the cupboard. Then when Rajanna's hand was washed in the solution, the said solution turned into pink colour. Then the said solution was put in a bottle and taken into custody. Complainant and punchas were asked to come on next day morning. The same was recorded in the mahazar as Ex.P-3.

15. Further PW-1 has deposed that next day morning he went to Karnataka Lokayukta office along with his friend. At that time



punchas also came to that office. Witness Rajanna kept the said cover in complainant's pocket with instructions to hand over the amount to the DGO if he again ask for money and also to give signal if the DGO receives the amount. Rajaiah was asked to acted as a shadow wintess and asked him to accompany with his friend to meet DGO and to observe and report the happenings. Then they gave him a voice recorder and told him to record the conversation that take place when he meet DGO. At that time the mahazar was drawn as Ex.P-4.

16. Further PW-1 has deposed that then himself, his friend and shadow wintess Sri. Rajaiah went to Tumkur Mahanagara Palike in Auto, Lokayukta staff followed him in a motor bike, and rest of the staff, pucha witness and Investigating officer came in government vehicle. When complainant came to 1<sup>st</sup> floor of Tumkur Mahanagara Palike office, DGO also came there. When complainant asked DGO about the pouthi khathe, DGO demanded bribe money and took the money from him with his right hand and gave it to Hanumantaraju. He counted it and kept it in his trouser pocket. Then he gave signal by wiping his face with handkerchief.

17. Further PW-1 has deposed that the Lokayukta persons came there and surrounded DGO and Hanumantharaju. PW-1 shown the DGO and Hanumantharaju to Investigating officer and another punchas about accepting and demanding the money in connection with his work. Then the Investigating officer introduced himself and asked the name and address of DGO and Hanumantharaju and asked them to co-operate for the investigation by informing them about the case registered agsint them. Then when both hand wash of Hanumantharaju was taken with the solution, they turned into pink

colour. The solution was collected in a bottle and sized. DGO's hands were also washed separately with the solution, right hand solution was turned into pink colour and the said solution was also sized.

18. Further PW-1 has deposed that when asked about the bribe money received from him, the shadow witness Sri. Rajaiah took out the money from the pant of Hanumantharaju and verified that it was the value mentioned in Ex.P-2 and the number was matching with each other. The said money was also seized.

19. Alternate pant was arranged to Hanumantharaju and the right side pocket was washed with the solution, it also turned pink. The solution and pant are seized. When asked about the file related to PW-1's property Hanumantharaju removed it from the file on his table and presented it. The said documents were seized.

20. Further PW-1 has deposed that due to lack of space in the said office, it was decided to continue the further investigation at the head office of Municipal Corporation and everyone went there. There was a manager in the said office showed them the documents related to PW-1's work, took xerox copy of it as per Ex.P-5 and returned the original documents to them. PW-1 handed over the voice recorder to the Investigating officer. The Investigating officer after hearing the voice recorder, transcribed the conversation and made a CD. The superior officer of DGO identified and confirmed that the voice in it is DGO's voice. Further PW-1 has deposed that when DGO and Hanumantharaju asked for the explanation about the receipt of money, they wrote a written explanation and PW-1, his friend and shadow witness denied the explanations. When PW-1 and shadow witness were asked about the incident, they narrated the incident. It was

noticed that Hanumantharaju was working as an assistant to DGO. At that time trap mahazar was drawn as per Ex.P-9. Photographs were taken at all stages during pre-trap mahazar and trap mahazar, as per Ex.P-10. When PW-1 spoken to Hanumantharaju, who is the assistant of DGO through his friend's mobile phone, he demanded the bribe money as mentioned above.

21. In the cross examination PW-1 has deposed that he has not given the application for change of khatha to the office. But he had talked directly. Mahanagara palike Tumkur has not given endorsement. PW-1 has written Ex.P-1. He admits that the in the complaint he has written that Hanumantharaju and DGO demanded for bribe amount to change the khatha, and he has written that Hanumantharaju spoken on mobile and asked him to pay a bribe of Rs. 15,000/-. He admits that in the complaint PW-1 has written that he has filed a complaint to take legal action against Hanumantharaju.

22. Further PW-1 has deposed that before going to Karnataka Lokayukta office, he was going to Tumkur Municipal Corporation for one week to meet DGO regarding the charge of khatha, at that time he met Hanumantharaju. He admits that in the complaint Ex.P-1 he wrote that Hanumantharaju demanded for bribe amount and same was told to his friends also. Hanumantharaju had asked him for bribe amount, which means he had asked for money to be given to DGO. PW-1 has called to Hanumantharaju's mobile. He admits that PW-1 has not written in his complaint that, in the mobile conversation DGO has demanded for money. PW-1 admits that he asked for legal action against Hanumantharaju. The amount which he presented in Karnataka Lokayukta office was borrowed from someone else. When

he went to Karnataka Lokayukta office on first day it was 5 to 6 PM. When he went, there were Police Inspector and office staff and two witnesses. He gave complaint on 23.4.2015 at 11 AM, then he carried out money at 5 to 6 PM.

23. He has spoken over mobile with Hanumantharaju on 23.4.2015 at about 10-30 onwards and then he went to Karnataka Lokayukta office. After lodging complaint he recorded conversion in mobile. He admits that he made conversion with Hanumantharaju only and Hanumantharaju told him to bring the amount.

24. After he took amount to Karnataka Lokayukta office two witnesses came. He smeared powder on the notes in his presence, when the hand was washed, it turned into light pink. Since the office time was over they postponed the proceedings to next day. In the presence of witness Rajaiah the money was kept inside almeria and locked it and informed them to come next day morning.

25. Next day himself and his friend went around 10.00 AM. At that time Investigating officer and police staff and witness were present. Witness examined his pocket and confirmed that there was no money. They took out the money from the Almeria and kept it in his pocket. Then his hand wash was taken in the solution and the solution turned into pink. Later the staff gave him voice recorder, which he kept it in his left side pocket. Then from there himself, his friend and witnesses and went to Mahanagara palike in an auto. Then the rest of staff followed them. Out of them two persons came on a motor bike.

26. Further PW-1 has deposed that Karnataka Lokayukta office was about 1½ KM away from Mahanagara palike office. Hanumantharaju was found near Mahanagara palike office at around

12-30 PM. Mahanagara palike office is a 2 storied office. Hanumantharaju met us on the ground floor and then he took them to the 1<sup>st</sup> floor. DGO came there while he was talking to Hanumantharaju

27. Further PW-1 has deposed that he does not know where Hanumantharaju was sitting. He used to come out and talk, similarly he does not know where DGO was sitting. He did not go inside the Mahanagara palike office, they used to come outside to talk to him, He does not know from which floor Hanumantharaju was coming. He was assumed that Hanumantharaju was working in Tumkur Mahanagara palike, when he was talking to Hanumantharaju. He also had talked to DGO once. He thought that the DGO name is Shivaraj. With money he went 1<sup>st</sup> floor of Mahanagara palike office, there he gave amount to DGO, he received the amount and gave it to Hanumantharaju. Hanumantharaju kept the said amount in his pocket. DGO did not count the said amount, just he gave it to Hanumantharaju. Then he gave a signal by wiping the face in his kerchief.

28. Further PW-1 has deposed that at that time in that place himself, his friend, Hanumantharaju and DGO were present. pancha was standing near the door. Nobody was there in the office. Then Karnataka Lokayukta office staff came and asked to whom the amount was given, then he showed Hanumantharaju and DGO. They washed their hands and pant pocket of Hanumantharaju. Rs.5000/- was found in pant pocket of Hanumantharaju.

29. Further PW-1 has deposed that as there was less space in the said office, he was taken to the manager's chamber and the further

process was done there. The recorded voice was heard from the manager and it was confirmed that it was the voice of the DGO. He admits that the application for change of khatha was not given to the Municipal corporation office. He denies that the file related to the change of khatha is not related to the complaint. The records were kept in the office file the file was on the table in the chamber. He does not know to whom table belongs to. He denies that only Hanumantharaju had demanded money. He denies that Hanumantharaju told that they should pay the revenue related to his property, in that respect they collected money. DGO and Hanumantharaju have given statements as per Ex.P-7 and 8 respectively, the contents of the statements are incorrect. The process was completed at 4 PM. DGO and Hanumantharaju's hands were washed in the office. He has not given an application to the city corporation office regarding the change of khatha. He denies that he had gone to pay the revenue related to the property, hence there is no question of paying a bribe to change the khatha. He denies that he gave the money to Hanumantharaju and there is no connection to DGO in this regard. He denies that after knowing that Hanumantharaju was not an office staff, Karnataka Lokayukta officials forcibly touched DGO's hands and washed his hands with solution, even though DGO had not received any money. Apart from this incident he had never visited the Karnataka Lokayukta office on any other occasion. He denies that as per the demand of Hanumantharaju he gave money to him in this regard DGO has no connection. He denies that unexpectedly DGO come to the spot and therefore he was made as respondent. Before this incident he was not knowing the DGO.

30. PW-2 is the shadow witness Sri.S.K.Rajaiah, he has deposed in his evidence that he is working in Tumkur Taluk panchayath office as SDA since 2009. On 23.4.2015 on the order of his superior, he reported before Police Inspector Sri.Goutham. Similarly a typist named Rajanna from the Regional Drug Controller's office also came and reported. At that time he introduced the complainant and the office staff. A friend of the complainant was with him. He was aware that Hanumantharaju and Shivaraju were working in Tumkur Mahanagara Palike and they are asking for bribe money in connection with the change of khatha in the name of the complainant's grandfather to the name of the complainant's father. He came to know that it is mentioned in the complaint that the DGO demanded Rs.20,000/- bribe money and forced to pay Rs.16,000/, and finally he agreed for Rs.15000/- and he brought Rs.5,000/- as an advance payment. Regarding the demand for the said money, the complainant had recorded it on his friend's mobile and also produced it. The said conversation was written and conversation was transcribed and then it was recorded on a CD. The complainant had brought money of Rs.5,000/- But he does not remember the denomination of the currency notes. After the staff smeared powder to currency notes of Rs.5,000/- Sri.Rajanna counted it and put it in an envelope and kept it in the cupboard in the office. Then when Rajanna's hands were dipped in the solution and washed, the solution turned pink. The solution was stored in a bottle. As the time was around 7-00 at night, he was asked to come to the office on 24.4.2015 i.e., next day morning. he has signed the mahazar as per Ex.P3(b).

31. Further PW-2 has deposed that on 24.4.2015 they came to Lokayukta office and reported. Rajanna removed the money from the envelope kept in the cupboard and put it in Jubba right side pocket of the complainant on the instructions of the Investigating officer. Then the Investigating officer gave the said cover containing the currency notes to complainant and instructed the complainant to pay the said amount only after inquiring about his work and after the DGO's demand for bribe money. The pw-1 was instructed to record the conversation on voice recorder given to him and after receiving the amount, PW-1 should come out and give signal by wiping his face with a handkerchief. Pw-2 was instructed to go as a shadow witness with the complainant and told to observe and report the incident happen between the PW-1 and the officer in the office. They prepared mahazar as Ex.p-4.

32. Further PW-2 has deposed that himself, complainant and his friend had taken an auto from the Deputy commissioner's office and went to the Mahanagara palike office. As such, the rest followed them. After they reached the Mahanagara palike office the complainant and his friends went to the Revenue division of the said office to see the DGO. DGO was not there. He told us that DGO is on the upper floor and then they all went there. DGO and Hanumantharaju and complainant and his friends were talking there. PW-2 was standing behind the window, therefore he could not see him. The complainant took the envelope from his pocket to pay. Meanwhile he was taking out his mobile, by that time the said money was in the hands of Hanumantharaju.



33. Further PW-2 has deposed that after his phone call, the Investigating officer and staff came to the spot. At that time DGO and Hanumantharaju, the complainant and his friend, himself and Investigating officer and their staff were present. The Investigating officer introduced himself and asked them to co-operate for the investigation. When the IO dipped and washed the hands of DGO separately in the solution, the right hand was washed, the solution turned into light pink colour and the left hand was washed, the solution turned into mixed colour. The solution was collected. Then when Hanumantaraju's hands were washed, separately, the right hand washed solution turned into pink colour and left hand washed solution turned into pale pink colour, the said solutions was stored separately. When asked about the money received from the complainant, he said that he gave the said money to Hanumantaraju and he kept it in his trouser pocket.

34. Further PW-2 has deposed that later, when Hanumantaraju took out the money from his pocket and checked and found they were the notes mentioned in the panchanama. The said notes were seized. Then when Hanumantaraju's trouser pocket was dipped in the solution and washed, it turned into pink colour. The solution and pants were also seized. When asked about the file related to the complainant, DGO said that he does not have any file. When Hanumantaraju was asked, he said that he has documents related to the complainant but no acknowledgment is given for it. The said documents were seized as Ex.P-5. Since there was no electricity in the said office, they decided to continue further investigation at the main office of the Municipal corporation.

35. Further PW-2 has deposed that in the presence of Sri.Mahesh, the manager of the said office, was requested through letter to complete the work of complainant. The complainant has returned the voice recorder which was given to him. The conversation recorded in the said voice recorder was transcribed and transferred to CD. IO recorded the statement of PW-2, the complainant and his friends. When asked about amount, the DGO and Hanumantaraju gave written explanation Ex.P-7 & 8. Himself and complainant expressed that the said written explanation's are not correct. At that time mahazar was drawn as per Ex.P-9. Photos Ex.P-10 were taken while conducting entrustment mahazar and trap mahazar.

36. Further PW-2 has deposed that on 5.5.2015 they went to Karnataka Lokayukta office and reported before the IO Hanumantaraju was present at that time conversation was played and asked him to repeat the conversation and transcribed it and recorded as sample and mahazar was drawn as per Ex.P-11. To some extent PW-2 has turned hostile. Therefore learned PO treated PW-2 as partly hostile.

37. In the cross examination made by PO PW-2 admits that on 23.4.2015, PW-2 counted the amount of Rs. 5000/- brought by the complainant to pay to DGO and as he told, the punch witness Sri. Rajanna wrote the denomination of currency and note numbers in a sheet for that he has signed as per Ex.P-2(a). He denies that he went to the Tumkur Municipal Corporation office with the complainant on 24.4.2015, when the complainant was talking to DGO he saw that DGO demanding bribe money and took the said money from his hand

and gave it to Hanumantaraju. He denies that he has given a statement that he saw that DGO receiving money from the complainant and giving it to Hanumantaraju. He denies that to help DGO he is deposing falsely that he did not give such a statement. He admits that at the head office of Mahanagara Palike, Revenue officer Lakshmana Kumar heard the conversation between the DGO and complainant and identified the conversation and gave a letter as Ex.P-6.

38. In the cross examination made by defence assistant for DGO PW-2 has deposed that he has studied upto 10<sup>th</sup> standard. In 1983 he joined the silk department as a daily wage labour. He was working in Tumkur taluk panchayath as SDA from 2009. He had not gone to Karnataka Lokayukta, ACB, court for enquiry. Only he attended to Karnataka Lokayukta office.

39. Further in the cross examination PW-2 has deposed that on 23.4.2015 a written order was received to go to Tumkur Lokayukta office. He admits that he has not produced the said letter. A letter was written from Tumkur Lokayukta office to EO Taluk panchayath office to send witnesses. The EO Taluk panchayath orally informed to go to Lokayukta office and it is not entered in the movement register of the office.

40. Further in the cross examination PW-2 has deposed that on 23.4.2015, he was asked between 11.30 am to 12.00 PM to go to the Lokayukta office. He went to the Lokayukta office and reported before the Police Inspector. The police Inspector came to his office and saw him personally. Since his office is next to Lokayukta office, police Inspector recognized him. It was around 4.30 to 5.00 PM when

he went to Lokayukta office. When they went to the office the complainant was introduced. Another witness named Rajanna working in Drug control office Tumkur was also there with him and complainant's friend Sri. Rafiqulla was also there. They were informed to go to the Mahanagara Palike office on next day.

41. Further in the cross examination PW-2 has deposed that when he went to Lokayukta office on 1<sup>st</sup> day, the money given by the complainant was put in a cover after drawing mahazar. He was informed that there is a complaint regarding the khatha. When he came on next day, the he was told that trap has to be continued in the Mahanagara Palike office based on the complaint given by the complainant. But he did not know on whom the trap was prepared. Rs. 5,000/- was in the envelope. Now he cannot identify the mobile conversation as the incident took place 5 years back. Conversation was recorded in CD. He is not able to say the denomination of notes. He deposes that Lokayukta officers smeared the powder on notes. He has not read the mahazar only after typing he signed the mahazar.

42. Further in the cross examination PW-2 has deposed that on 24.4.2015 at 9.30 AM he came to Tumkur Lokayukta office. The money kept in cupboard was taken out mahazar was drawn and kept it in the complainant's pocket. The complainant was wearing jubba that day. He does not remember to say who put the envelop in the Jubba pocket of complainant. The complainant was given a voice recorder. Himself, complainant and his friend went to the Mahanagara Palike office in an auto. He does not remember that he has not read and signed the mahazar.

43. Further in the cross examination PW-2 has deposed that it was 11.15 to 11.30 in the morning when they went to the Mahanagara Palike office. The complainant and his friend went to the 1<sup>st</sup> floor of the Mahanagara Palike office. He was standing down. The IO told to inform after the receipt of bribe money by DGO. The officials of the Lokayukta office also went near the 1<sup>st</sup> floor. The complainant went inside the office with his friend. PW-2 has deposed that he has not seen the complainant giving money envelope to DGO because he was standing downstairs. Police Inspector was also in the down floor. The witness and Lokayukta staff instructed them to go to upstairs. When they went inside the office, they were taking out the money from Hanumantaraju's pocket. He does not remember who took the money. The said money was verified by the Police Inspector. Then there was Rs.5000/-. He said that there were documents relating to khatha. But they were not shown to them. Later mahazar was drawn in commissioner's office. When he went inside the DGO's office, the DGO was not having bribe amount with him. The money was taken out from Hanumantaraju's pocket and that money was seized. There was no file related to the khatha with DGO. In the commissioner's office the statements of DGO Hanumantaraju and complainant were taken. He does not know from whom the documents were seized. He does not remember to stay whether he heard the voice record conversation took place on 24.4.2015 in DGO's office or not. He admits that they have taken the statement of Hanumantaraju. The mahazar was drawn in the commissioner's office at 2.00PM. He admits that on the dictation of Police Inspector mahazar was typed. He has not read and signed Ex.P-9. Photos were taken at that time and they were sent back after 6.00 PM.

44. Further in the cross examination PW-2 has deposed that on 24.4.2015 he has not asked about DGO demanding money and also he has not seen. He admits that the money was not found with DGO. When PW-2 went inside the DGO's office he does not know whether the file relating to the complainant was not pending with DGO. On 25.4.2015 they were again called to Lokayukta office. He does not remember what has happened on that day. Then after a week they called them again. Mahazar was drawn on that day. But he does not remember what to say.

45. Further in the cross examination PW-2 has deposed that he was not acquainted with the DGO and Hanumantaraju before going to the DGO's office. He does not know anything. He denies that the Lokayukta officials called him to the office and asked him to sign the mahazar. He denies that even though he does not know any think about the said documents, Lokayukta staff scared him and got his signatures.

46. PW-3 Sri. M.R.Gowtham, the then Deputy Superintendent of Police, Karnataka Lokayukta Ramanagara has deposed that he worked as Police Inspector in Karnataka Lokayukta Tumkur from 2012 to 2015.

47. On 23.4.2015 around 12.00 noon, one Rafeeq called to office land line and told that one Hanumantaraju of Tumkur Mahanagara Palike is asking for bribe to do his work. He instructed Rafeek to record the conversation on his mobile and bring it. Later on the same day at around 3.00 PM the complainant Tamim Irshan along with his friend Rafeeq came to the police station and after listening to the voice record regarding Shivaraj and Hanumantaraju Tumkur

Mahanagara Palike were demanding for bribe to do the government work, on his instructions written complaint Ex.P-1 was received and filed FIR under section 7 of PC Act in Cr. No. 3/2015.

48. Then as per his request, R.Rajanna from Regional Deputy Drug Controller's officer and S.K. Rajaiah from O/o of the Executive Officer, came and reported as panchas and complainant and his friend were introduced to the panchas and informed them to give information about the complaint and to co-operate. Later, the friend of the complainant, Sri. Rafeeq Ullah, presented his mobile phone, and the conversation between the complainant's friend and Hanumantaraju regarding the bribe money and the conversation between Hanumantaraju and Rafeekullah on the same day around 12.45 PM was played and heard through the laptop and details of the conversation was transcribed and the data of the conversation was transferred from the mobile to a CD and his signature and the signature of witnesses were obtained on the CD.

49. Further PW-3 has deposed that thereafter, as per his instructions, out of the bribe money demanded, in advance Rs. 5,000/- was presented by the complainant, the said money was checked by panchas Rajaiah with another witness Rajanna and there were 10 notes of face value of Rs.500/- each and the details of said note were entered by Rajanna in a white sheet as Ex.P-2. It bears the signatures of himself and witnesses.

50. Further PW-3 has deposed that then, as per his instructions, staff member Sri.Prakash applied phenopthalinc powder to both sides of the said notes. Pancha Rajanna counted the said money and put it in an envelope and secured it in the cupboard as the trap was

postponed till next day. Then pancha Sri.Rajanna's two hands were washed with sodium carbonate solution and the solution turned pink. He had explained both the witnesses and the complainant about the above procedure. He had prepared a pre trap mahazar regarding the said process and also taken photos during the above said process and obtained the signatures of the complainant and panchas for the mahazar Ex.P-3. It is signed by himself and the pancha and complainant. Since the office time was over he instructed all the members of team to attend the office on 24.4.2015 at 9.30 AM

51. On 24.4.2015 all the members of the trap team attended the office at 9.30 AM and pancha Sri. Rajanna took the money which was in the envelope that was kept in the cupboard during the pre trap mahazar and he kept the money in the right pocket of the white color jubba of complainant. The complainant was instructed to give signal by taking kerchief and wiping his face after DGO receiving the money. Pancha Sri.S.K.Rajaiah was appointed as a shadow witness. Then he gave a voice recorder to the complainant and instructed him to turn it on when he goes near DGO. He has recorded the process in mahazar as Ex.P-4 and it has been signed by himself and the pancha and the complainant.

52. Then he instructed the complainant and his friend Rafiullah and shadow witness Sri.S.K.Rajaiah to go in auto and sent the staff Suhail Ahmed and Prakash to follow them. He went to Tumkur Mahanagara palike in a Government jeep along with the rest of the trap team. At that time, the time was around 10.55 in the morning.

53. PW-3 has further deposed that himself and trap team were hiding near the MLA's room near the revenue branch of the



Mahanagara palike and were waiting for the signal from complainant. Then the shadow witness S.K. Rajaiah called to his mobile from his mobile phone and told that Hanumantaraju and DGO received the money and the staff sent were holding the DGO and Hanumantaraju. The complainant who was standing on the 1<sup>st</sup> floor of the Revenue branch building took him to the first floor of the building and showed one person in the bill collector's room as Shivaraj and Hanumantaraju of Mahanagara Palike who demanded bribe amount to make khatha, he demanded for Rs. 20,000/- then Rs. 16,000/- and at first as an advance Rs.5000/- was received by Shivaraj and then gave it to Hanumantaraju who was sitting in front of him. Later he told them that the two accused were taken into custody and arrested and instructed to co-operate for the investigation. Then as per his instruction, the staff first washed the right hand and left hand fingers separately with sodium carbonate solution. The solution turned pale pink and mixed color respectively.

54. Further PW-3 has deposed that the Hanumantaraju 's right hand and left hand were washed separately with sodium carbonate solution, the solution turned pink and pale pink respectively. Then Hanumantaraju was asked about the bribe money, he said that he had kept it in the right pocket of his pant, the said money was taken from pancha Sri.S.K.Rajaiah and verified by another witness Rajanna and it matched the face value of the money mentioned in Ex.P-2. Then he wrote the denomination and then he signed & got the signatures of the witnesses. Then arranged another pant for Hanumantaraju and washed inside the right side pocket of the pant with sodium carbonate solution, the solution turned pink. Then

Hanumantaraju presented the file containing about 15 sheets related to the complainant which was on the table of the office.

55. Further PW-3 has deposed that due to insufficient space the process of trap operation was shifted to Head office of palike. The documents related to complainant were given to the office manager Sri. J.Mahesh and the certified documents of the said file were obtained from him. Later on that day pancha recorded the conversations between DGO and Hanumantaraju and the complainant through the voice recorder and the data of the said conversations were transferred to CD. Information about the events that took place on that day was obtained from the complainant and shadow witness and entered in the trap mahazar. Then the written statement of DGO and Hanumantaraju were obtained. He and panchas singed the said mahazar. Then Sri.Lakshmana Kumar, the Assistant Revenue officer of the revenue division heard the voice of DGO and confirmed that it was DGO's voice and made an endorsement to transcription and it is signed by panchas, Laxman Kumar and himself. He has recorded the proceedings of the trap through the mahazar and obtained the signature of the staff, witnesses and DGO and Hanumantaraju, the complainant to the said mahazar. He has also signed on it.

56. Further PW-3 has deposed that they took photographs of trap mahazar & pre trap mahazar. He had written a letter on 24.4.2015 requesting to provide service particulars of DGO. On 27.4.2015 He received the service details of DGO from commissioner, Mahanagara Palike. He asked the commissioner about the action taken to change the khatha and information about the brokers. On

8.5.2015 the commissioner, Mahanagara Palike has also issued a copy of circular dtd: 14.10.2004 along with his letter as per Ex.P-15. On 24.4.2015 he asked the commissioner, for information about the persons working as mediators. For that he has given information in his letter dtd: 8.5.2015 as per Ex.P-16. On 13.8.2015 he requested the commissioner, about the duty report of DGO, for that he has given the information in his letter dtd: 31.8.2015 as per Ex.P-17.

57. Further PW-3 has deposed that on 8.5.2015 he has written a letter to the SP-1 Nodal officer, Karnataka Lokayukta Bengaluru for the mobile phone numbers subscriber name, address and CDR records. Accordingly the documents were sent by him through E-mail. He has taken a written confirmation from Hanumantaraju about the Airtel SIM used by him stood in the name of his mother.

58. Further PW-3 has deposed that on 8.5.2015 he requested Truth Lab, Bengaluru to compare the 3 data in the recorder ie., 2 CDs with the sample voice of DGO and submitted an opinion. A copy of the said letter and documents containing the relevant details are at Ex.P-20. The Truth lab report was received by his successor on 2.12.2015 as per Ex.P-21.

59. Further PW-3 has deposed that on 29.4.2015 the materials seized during the investigation were sent to Chemical expert, in turn they submitted report on 11.5.2015 and it is received by his successor on 19.11.2015 as per Ex.P-22. On 25.4.2015 Assistant Executive Engineer PWD requested to prepare a map of the place where the crime took place. Accordingly on 3.7.2015 a map was submitted along with the letter Ex.P-23.

60. Further PW-3 has deposed that he obtained the statements of the witnesses on various dates in the said case. the statement of the complainant dtd: 25.4.2015 Ex.p-24, Statements of SK Rajaiah dtd: 25.4.2015 and 5.5.2015 Ex.P-25, the statement of R.Rajanna Ex.P-26, the statement of Rafeeq ullah Ex.P-27, the statement of Sri.D.Laxman, Assistant Revenue Officer, Mahanagara Palike made on 27.4.2015 regarding the identification of the voice of DGO Ex.P-28. On 27.4.2015 Sri. J.Mahesh, Office Manager, gave his statement Ex.p-29

61. Further PW-3 has deposed that on 27.9.2015 in view of his transfer he handed over the investigation file to Sri. Rangaswamy, PI and he has completed the investigation and obtained prosecution sanction order from the competent authority and submitted the charge sheet to the court. On 24.4.2015 after the trap operation he wrote a letter to 2<sup>nd</sup> additional District and session court Tumkur to add additional section 13(2) of PC act along with section 8, 13(1) (d) as per Ex.P-31. On 4.1.2016 Sri. Rangaswamy, Police Inspector, submitted a copy of the letter written by the SP Karnataka Lokayukta Tumkur along with the copy of charge sheet seeking permission to file chargesheet against DGO as per Ex.P-32. Prosecution sanction order against the DGO was obtained from the concerned competent authority as per Ex.P-33.

62. In the cross examination PW-3 has deposed that his qualification is MSc Zoology (Genetics). He joined Police Department as PSI on 4.1.1999. He was working as Police Inspector in Karnataka Lokayukta Tumkur from 7.9.2012 to 26.9.2015. Even

now he is working as a DSP from March 2018 in Ramanagara Lokayukta Office.

63. They usually store the trap materials like phenolphthalein powder and sodium carbonate solution and clean bowls before making the pre-trap mahazar. If any person gives the complaint orally or by phone they will carry out preparation to ensure it. They will ask the complainant to provide the documents or voice recorders from his possession, or their department will give him a voice recorder to record the conversations related to the complaint. After their preliminary enquiry, they ask the complainant to give written complaint and get it and then take further action. After receiving the written complaint from the complainant, FIR will be registered. They will get complainant's signature on the document and forward it to the court. FIR will be given to him as well. Copy can be obtained for free of cost at any time. There is no target to register cases every month in their department. After receiving a written complaint they prepare FIR and submit a report to the concerned court and investigation will be continued

64. Further PW-3 has deposed that the complaint in this case was filed by Sri. Tamim Irsan. Normally when they make a complaint they sign and date it. He admits that they will write an endorsement about the complaint. He does not remember whether the complainant after coming to the police station, wrote the complaint Ex.P-1 or whether it was written earlier. He admits that allegation is that the khatha has not been changed. He has not made a preliminary inquiry about the change of khatha. It was not within his scope. Preliminary inquiry means whether the DGO has demanded bribe or not. He

admits that there is no entry in the complaint that he made a demand for bribe. He admits that in the complaint it is alleged that Hanumantharaju demanded bribe in connection with change of khatha. He admits that they have taken only the name of Hanumantharaju in the report and in our preliminary enquiry.

65. Further PW-3 has deposed that the complainant submitted his written complaint on 23.4.2015 at 3.00 PM. They have checked only the voice recorder regarding the demand of bribe after the complaint. Witnesses have reported to their office at 5.30 PM. Pre trap mahazar was conducted on 23.4.2015 from 5.30 PM to 7.15 PM. He has endorsed that in the pre trap mahazar they had identified conversation between Sri. Hanumantharaju and complainant. He admits that the conversation between the complainant and the Hanumantharaju was written in the pre trap mahazar in the presence of witness. He admits that the conversation is 'ಶಿವರಾಜ ಕಲಬುರಗಿ ಸಾಹೇಬರಿಗೆ ರೂ.5000/- ಹೆಚ್ಚು ಕಡಿಮೆ ಮಾಡಿ ರೂ.15,000/- ಕೊಟ್ಟುಬಿಡಿ ಸಾಕು ನಮಗೆ' -He did not investigate who was Shivaraj Kalaburgi at that time. The complainant has paid Rs.5,000/- at the time of pre trap. Pancha was there at that time. The complaint has not mentioned the names of the persons who demanded the bribe, he again did not ask complainant who was the officials who demanded the bribe.

66. From their office, Palike office is situated about one KM towards south. He denies that the witnesses were not informed about the pre trap. It was done in their presence. He denies that he did not follow the procedure and he only typed as per his convenient for the case and got his signature and kept it as a record without informing panchas.

67. He admits that on 24.4.2015 before going for the trap they drawn the mahazar is Ex.P-4. He denies that it was prepared earlier and they obtained the signatures of the panchas without informing them.

68. Further PW-3 has denied that on 24.4.2015 they all went to the Tumkur Palike office separately. But they went in three parts. When he went near the palike office shadow witness Rajaiah informed about the trap through his mobile phone. He denies that the complainant has given money to pay the revenue as per his conversation. He denies that the complainant gave the money to Hanumantharaju and not the DGO. He denies that DGO did not demand any kind of bribe, Hanumantharaju demanded bribe, therefore the complainant gave the money to Hanumantharaju. He admits that when they went to check, the money given by the complainant was with Hanumantharaju. Investigation confirmed that the complainant had delivered the money to Hanumantharaju through Shivarj. It is confirmed through the voice recorder conversation that DGO demanded for bribe for doing official duty. He admits that the khatha file related to the complainant was not with DGO. Further he deposed that the file was found in the office of DGO. He denies that the complainant had not given an application to the Tumkur palike to change khatha. He does not know that the complainant has stated in the evidence that he did not give the application for change of khatha.

69. He denies that the shadow witness Sri.S.K.Raju was not present when the complainant paid the money. He denies that he was also not present at the time of trap incident took place as eye witness and he is deposing falsely. He denies that they have got

written the statement of Ex.P-7 by putting pressure on DGO. He admits that in the statement Ex.P-8 Hanumantharaju has said that he has given Rs.5,000/- to pay the revenue. The said statement has been denied by the complainant and witnesses. He admits that they did not do the trap mahazar Ex.P-9 at that place, but he has done the typing of trap mahazar in the room of the personal assistant of commissioner's office. He denies that in the trap mahazar Ex.P-9, he has not mentioned that DGO personally demanded bribe amount. He denies that the person who demanded and accepted the bribe money was Hanumantharaju and as he was not a government servant, the DGO was included in the case. He denies that the DGO did not demand and accept the bribe money inspite of it he has implicated DGO in this case. He denies that he filed a false charge sheet including the name of DGO to the case though there is no evidence that DGO demanded and accepted the bribe money. He denies that incidents are not happened as mentioned in trap mahazar and they have created Ex.p-9.

70. DW-1 is the DGO Sri.H.N.Shivakumaraiah, Second Division Assistant, has deposed in his evidence that he has worked in Tumkur Mahanagara Palike as SDA from 31.8.2010 to 2015.

71. He does not know the complainant PW-1. The complainant has not visited to DGO's office before the incident date. The complainant and his friend have not met the DGO. Hanumanatharaju was not with him and Hanumanatharaju had not asked for a bribe of Rs. 25,000/- to do khatha in his presence. It is not correct that afterwards Hanumanatharaju demanded for Rs. 15,000/-



bribe amount. He does not know that the PW-1 has given complaint in Karnataka Lokayukta Tumkur.

72. He did not see PW-1 and his friend in his office on 24.4.2015. He denies that on that day PW-1 came to his office and he received money from PW-1 and gave the same to Hanumanatharaju. He did not see that PW-1 giving amount to Hanumanatharaju.

73. When he was talking over the phone in the 1<sup>st</sup> floor of Tumkur Mahanagara Palike 4-5 people came and held him. At that time he did not see in the shock that they were holding even Hanumanatharaju. When they asked about his work, he told that he was working as SDA. They also asked Hanumanatharaju what he was doing.

74. He saw the police washing Hanumanatharaju's hand with a solution. They asked DGO about the money. But he told that he has not received any money. Hanumanatharaju's pant pocket was checked and money was found in his pocket and it was seized.

75. PW-1 /complainant has not given any application to DGO's office to change khatha. The application in respect of change of khatha of properties has to be submitted to the tappal branch of the Mahanagara Palike office. As far as concerned, no application for change of khatha has been given to the tappal branch of the Mahanagara Palike office.

76. PW-3 Police Inspector in his evidence has stated that the complainant gave Rs.5000/- to him as bribe amount in relation to change of khatha, which was later given to Hanumantharaju. He admits that PW-3 has arrested himself and Hanumantharaju. PW-3,

with the help of his staff he searched the bribe amount with DGO, but Hanumantharaju had money in his pant pocket. Then Hanumantharaju and DGO were interrogated in the office of Manager, Mahanagara Palike. At that time DGO gave written statement Ex.P-7, but it was torn by PW-3. It was learnt that the complainant was informing before the police that he had come to pay the property tax. DGO had written that issue in his statement. DGO has asked to submit form No. 2 and challan form for payment of revenue. He has not received any kind of bribe money from the complainant. He has not received any money either in connection with revenue tax or any other matter.

77. He has no connection with the bribe money that complainant had given. It relates to the complainant and Hanumantharaju. He admits that PW-2 Rajaiah has stated in his evidence that PW-2 did not see the money being given to DGO by the complainant.

78. In the cross examination DW-1 admits that he was working as SDA in Tumkur Mahanagara Palike in the year 2015. He denies that prior to 24.4.2015 the complainant Sri.Tamim Irfan filed an application for change of khatha in respect of site No. 22/1B in the name of his grandfather. He denies that when the complainant came to DGO and asked him to change the khatha, DGO asked him for a bribe of Rs.20,000/-. He denies that he does not know whether the complainant recorded the conversation between DGO and complainant on his mobile phone and submitted a complaint to Tumkur Police station.

79. He denies that Hanumantharaju was working in DGO's branch at Tumkur Mahanagara Palike. On 24.4.2015 in the morning Tumkur Lokayukta Police came to DGO's place and they caught him, then he came to know that they are the police of Lokayukta office. He does not know why they were holding him and they asked him about the work he was doing. He denies that the complainant Irfan and his friends came to him before the Lokayukta police arrested him. When Lokayukta police caught him and asked about what work he was doing, he told that he was working as SDA. At that time complainant was asked to whom the bribe amount was given. The complainant pointed towards DGO and Hanumantharaju and when police staff searched the money with DGO, they did not find any money. Then DGO came to know that Hanumantharaju had money in his pocket. But he does not know how much money Hanumantharaju was having. He did not notice what Hanumantharaju told at that time. He has not seen the bribe money which was with Hanumantharaju and he did not know what they did that money. Himself and Hanumantharaju were taken from his branch to their office manager's room. They took signatures on some documents without informing them. They asked him to write the statement and that statement was torn. He was tortured and threatened to write it down as he tells.

80. He cannot recognized himself in the photos at Ex.P-10. Lokayukta police washed his hand and Hanumantharaju's hand with sodium carbonate solution. But the solution did not turn into pink. He does not know about Hanumantharaju. He does not know why the solution turned pink when Hanumantharaju's pant was washed with sodium carbonate solutions. He recognized the photo at Ex.P-10, page

No. 71, that it was his photo when he was washing his hands. He denies that when the complainant gave him the bribe money of Rs. 5000/- to him and he gave it to Hanumantharaju, after that the Lokayukta police caught him and Hanumantharaju and searched . He denies that when they checked Hanumantharaju's pant pocket, he told them that DGO gave that money to Hanumantharaju. He denies that when both DGO and Hanumantharaju's hands were washed with sodium carbonate, the solution turned into pink. He denies that when asked for an explanation about the said money he voluntarily wrote the statement. He does not know that Hanumantharaju has also given his statement willingly. He denies that the said money was seized by Lokayukta Police and drawn the trap mahazar.

81. He denies that though he knows that the Lokayukta police washed his hands with sodium carbonate solution, and the solution turned pink, and he is giving false evidence. He denies that he signed the mahazar after knowing all the details in the mahazar. He denies that he is deposing false evidence though he received bribe.

82. In this case, PW-1 is the complainant, who had given complaint against DGO alleging that the DGO was demanding bribe from him to transfer the mutation to his father's name and the witness has fully supported the case of the disciplinary authority on material points and has deposed before this authority about DGO demanding bribe from him. PW-1 has also deposed about the complaint given by him to the Lokayukta police Tumkur and also about the DGO receiving bait amount from him at the time of trap. After careful scrutiny of the evidence of PW-1, I am of the view that his evidence regarding DGO demanding bribe from him to transfer the

mutation to his father's name and also about the DGO accepting the bait amount from him at the time of trap can be safely believed.

83. It is to be noted that the phenolphthalein test conducted on the DGO at the time of trap was found positive. This clearly shows that the DGO had received the bait amount from the complainant at the time of trap and then he had passed on the amount to his Assistant Hanumantharaju, who was the assistant to DGO. After careful scrutiny of the evidence of PW-1, I am of the view that the evidence given by the witness appears to be believable one. Further there is no reason or ground, either to disbelieve or to discard the evidence given by PW-1. In my opinion the evidence of PW-1, about DGO demanding bribe from him to transfer the mutation to his father's name can be safely believed. No doubt there are some contradictions in the evidence of the complainant compared to the evidence given by the other witness in the case, but in my opinion those contradictions are not significant to disbelieve his evidence. Though it is suggested to the witness that no work of the complainant was pending with the DGO as on the date of trap and therefore question of DGO demanding money from the complainant was not there, the evidence on record, particularly the admission made by the DGO that the file was pending related to PW-1's property regarding change of khatha, this clearly shows that the DGO was required to attend the file of complainant pertains to change of khatha. Moreover it is to be noted that the DGO has admitted the fact that the bait amount, which was entrusted to PW-1 in Lokayukta station was later found in possession of Hanumantharaju, who was his assistant working in the same office. Though the DGO has contended that the complainant had given the

amount directly to Hanumantharaju, as already pointed out the phenolphthalein test conducted on the DGO clearly shows that he had received the amount from the complainant and then passed on to Hanumantharaju. The stand taken by the DGO that he did not touch the bait amount, after it was recovered from Hanumantharaju and then his hands were washed in sodium carbonate solution is supported in the evidence of PW-1.

84. As pointed out supra PW-2, is the shadow witness, who had accompanied the complainant at the time of trap and he has also supported the case of the disciplinary authority on material points. Though PW-2 has stated that he did not hear the conversation between complainant and DGO and he did not saw the DGO taking bribe money at the time of trap as he was standing behind the window, the witness has categorically stated that he has not seen the complainant handing over the bait amount to the DGO. As pointed out supra phenolphthalein test conducted on the DGO support the say of PW-1 that the DGO had received the bait amount from him and then passed it on to Hanumantharaju. It is to be noted that PW-2 has specifically stated about the entrustment of bait amount to the complainant in the Lokayukta Police Station after smearing with phenolphthalein powder and also about he accompanying the complainant to the office of DGO. In my opinion the evidence of PW-2 support the case of the disciplinary authority on material points. It is to be noted that PW-2 is a Government Servant and an independent witness, who has no enmity or ill-will towards the DGO. Therefore, PW-2 has no reason or ground to falsely implicate the DGO in a serious crime. After careful scrutiny of the evidence of PW-2, I am of the view that his evidence

can be safely believed about DGO receiving bait amount from the complainant at the time of trap and also about the phenolphthalein test conducted on the DGO being found positive. The evidence of PW-2 corroborates the evidence of PW-1 on material points and further the evidence of PWs 1 and 2 corroborates the case of the disciplinary authority about DGO demanding bribe from the complainant and then accepting the bait amount from the complainant at the time of trap to show official favour.

85. PW-3, who is the investigating officer in the case, has also spoken about the entrustment proceedings conducted in the Lokayukta station and recovery proceedings conducted in the office of DGO. The evidence of PW-3 about the recovery of the bait amount from the possession of DGO and also about the phenolphthalein test conducted on the DGO corroborates the evidence of PW-1 and PW-2. If the evidence of PW-1 to PW-3 is read together it clearly shows that the bait amount, which was entrusted to PW-1 in the Lokayukta station was later found in possession of Hanumantharaju, who was working as assistant to the DGO in his office.

86. Learned counsel appearing for the DGO has submitted in his arguments that the evidence of PW-1 to 3, consists of contradictory versions and therefore it creates reasonable doubts about the alleged incident. Now the Law is well settled that in a departmental enquiry case, strict proof beyond reasonable doubts is not necessary, as required in a criminal case. The Disciplinary authority can prove the charge framed against the DGO on the bases of preponderance of probabilities. If the entire evidence produced in the case is scrutinized carefully it is abundantly clear that the DGO

had demanded and accepted bribe amount from PW-1 to show official favour. Therefore the arguments advanced on behalf of DGO cannot be accepted.

87. After examining the evidence produced by the disciplinary authority in the case, I am of the view that the disciplinary authority has produced clear, cogent and convincing evidence to show that the DGO, while working as Second Division Assistant, Tumkur Mahanagara Palike Tumkur had demanded the complainant Sri.Thameem Iron, to pay bribe to do pouthi khatha to his father's name and also to show that DGO again demanded and accepted the tainted money from the complainant at the time of trap. Therefore, the DGO has failed to maintain absolute integrity and devotion to duty and he has committed grave official misconduct, as defined under Rule 3 (i) to (iii) of the KCS (Conduct) Rules 1957. Therefore, overall examination of the evidence on record show that the disciplinary authority has established the charges leveled against DGO. Hence, I proceed to record the following:-

### FINDINGS

88. The Disciplinary Authority has proved the charges leveled against DGO. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

89. Date of retirement of DGO is 30.6.2036.

*Sd/-*

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.



**i) List of witnesses examined on behalf of Disciplinary Authority.**

|      |   |
|------|---|
| PW.1 | Sri.Thameem Irson, S/o Mansoor Najeer, Driver, Okkodi Road, Heggere, Tumkur Original                                    |
| PW-2 | Sri.S.K.Rajaiah, S/o Late Kriyappa, SDA, Taluk Panchayath, Tumkur (shadow witness) Original                             |
| PW-3 | Sri. M.R.Gowtham S/o Dr.D.K.Rajendra, the then Deputy Superintendent of Police, Karnataka Lokayukta Ramanagara Original |

**ii) List of Documents marked on behalf of Disciplinary Authority.**

|         |   |
|---------|---|
| Ex.P1   | Ex.p-1 is the Complaint given by PW-1 on 23.4.2015  |
| Ex.P 2  | Ex.P-2 is the sheet pertaining the description of currency notes dtd: 23.4.2015                     |
| Ex.P-3  | Ex.P-3 is the entrustment mahazar dtd: 23.4.2015  |
| Ex.p-4  | Ex.P-4 is the mahazar drawn on 24.4.2015  |
| Ex.P-5  | Ex.P-5 are the documents pertaining to complainant's work pending in CMC                            |
| Ex.P-6  | Ex.P-6 is the written conversation dated: 24.4.2015   |
| Ex.P-7  | Ex.P-7 is the written statement of DGO  |
| Ex.P-8  | Ex.P-8 is the written statement of Hanumantharaju   |
| Ex.P-9  | Ex.P-9 is the trap mahazar dtd: 24.4.2015   |
| Ex.p-10 | Ex.P-10 are the photographs taken at different stages   |
| Ex.P-11 | Ex.P-11 is the mahazar drawn on 5.5.2015  |
| Ex.p-12 | Ex.P-12 is the written conversation dated: 23.4.2015  |
| Ex.P-13 | Ex.P-13 is the DGO service particulars  |
| Ex.P-14 | Ex.p-14 is the letter dtd: 24.4.2015 from PI Karnataka Lokayukta Tumkur to Commissioner, CMC Tumkur |
| Ex.P-15 | Ex.P-15 is the letter dtd: 8.5.2015 from  |

|         |   |
|---------|---|
|         | Commissioner, CMC Tumkur to PI Karnataka Lokayukta Tumkur   |
| Ex.p-16 | Ex.P-16 is the letter dtd: 24.4.2015 from PI Karnataka Lokayukta Tumkur to Commissioner, CMC Tumkur                 |
| Ex.P-17 | Ex.P-17 is the letter dtd: 13.8.2015 from PI Karnataka Lokayukta Tumkur to Commissioner, CMC Tumkur                 |
| Ex.p-18 | Ex.P-18 is the letter dtd: 8.5.2015 from PI Karnataka Lokayukta Tumkur to SP Karnataka Lokayukta Bengaluru          |
| Ex.p-19 | Ex.P-19 is the letter from Hanumantharaju to PI Karnataka Lokayukta Tumkur  |
| Ex.p-20 | Ex.P-20 is the letter dtd: 8.5.2015 from PI Karnataka Lokayukta Tumkur to the Director of Truth Lab, Bengaluru      |
| Ex.p-21 | Ex.P-21 is the forwarding letter dtd: 10.11.2015 from Chairman of Truth Labs to SP, Karnataka Lokayukta Tumkur      |
| Ex.p-22 | Ex.P-22 is the letter dtd: 11.5.2015 from Chemical Examiner, Bengaluru to SP Karnataka Lokayukta Tumkur             |
| Ex.p-23 | Ex.P-23 is the letter dtd: 25.4.2015 from PI Karnataka Lokayukta Tumkur to Assistant Executive Engineer PDW, Tumkur |
| Ex.P-24 | Ex.P-24 is the written statement if DGO dtd: 25.4.2015  |
| Ex.P-25 | Ex.P-25 is the statement of Sri. S.K.Rajaiah dtd: 25.4.2015   |
| Ex.P-26 | Ex.P-26 is the statement of Sri. R.Rajanna dtd: 25.4.2015   |
| Ex.P-27 | Ex.P-27 is the statement of Sri.Rafiqulla dtd: 25.4.2015  |
| Ex.P-28 | Ex.P-28 is the statement of Sri. Lakshman Kumar dtd: 27.4.2015  |
| Ex.P-29 | Ex.P-29 is the statement of Sri. Mahesh dtd: 27.4.2015  |
| Ex.P-30 | Ex.P-30 is the FIR dtd: 23.4.2015 of Cr. No. 3/2015   |
| Ex.p-31 | Ex.p-31 is the submission letter dtd: 24.4.2015 from PI Karnataka Lokayukta Tumkur                                  |


|         |   |
|---------|---|
| Ex.P-32 | Ex.P-32 is the letter dtd: 4.1.2016 from PI Karnataka Lokayukta Tumkur to SP Karnataka Lokayukta Tumkur       |
| Ex.P-33 | Ex.P-33 is the letter dtd: 24.6.2016 from ADGP Karnataka Lokayukta Bengaluru to PI Karnataka Lokayukta Tumkur |

iii) **List of witnesses examined on behalf of DGO**

|      |  |
|------|--|
| DW-1 | DGO Sri.H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru Original |
|------|--|

iv) **List of documents marked on behalf of DGO**

|  |     |
|--|-----|
|  | NIL |
|--|-----|

  
 (S.GOPALAPPA)  
 Additional Registrar Enquiries-9  
 Karnataka Lokayukta,  
 Bengaluru.



**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/973/2017/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001  
Date: 29<sup>th</sup> August, 2022.

**RECOMMENDATION**

Sub: Departmental Inquiry against Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru-reg.,

Ref: 1) Government Order No.ನಅಇ 26 ತುಮಪಾ 2017, Bengaluru, dated: 25/07/2017.

2) Nomination Order No.UPLOK-2/DE/973/2017, Bengaluru, dated: 30/08/2017 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 29/08/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated: 25/07/2017 initiated the disciplinary proceedings against Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru (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/973/2017, Bengaluru, dated: 30/08/2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.
3. The DGO, Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru was tried for the following charges:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ:

ಆ.ಸ.ನೌಕರರಾದ ನೀವು:

- (ಅ)ತುಮಕೂರು ಪಟ್ಟಣದ ಸರ್ವೆ ನಂ.22/1ಬಿ ನಿವೇಶನ ಸಂಖ್ಯೆ:15 ವಿಸ್ತೀರ್ಣ 60 X 53 ಅಡಿಗಳು ದೂರುದಾರರ ತಾತನ ಹೆಸರಿನಲ್ಲಿದ್ದು ಅವರು ಸುಮಾರು 18 ವರ್ಷಗಳ ಹಿಂದೆ ತೀರಿಕೊಂಡಿರುತ್ತಾರೆ. ದೂರುದಾರರು ತನ್ನ ಹೆಸರಿನಲ್ಲಿ ಖಾತೆ ಮಾಡಿಕೊಡುವಂತೆ ಆ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾಗಿ ವಿಚಾರಿಸಿದಾಗ ರೂ.20,000/- ಗಳ ಲಂಚ ಕೇಳಿದ್ದು ಕೊನೆಗೆ ರೂ.16,000/- ಕೊಟ್ಟರೆ ಖಾತೆ ಮಾಡಿಕೊಡುವುದಾಗಿ ಇಲ್ಲದಿದ್ದರೆ ಖಾತೆ ಮಾಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತೀರಿ.
- (ಆ)ದಿನಾಂಕ: 24/04/2015 ರಂದು ಬೆಳಿಗ್ಗೆ 11:19 ಗಂಟೆಗೆ ದೂರುದಾರರು ಹಾಗೂ ನೆರಳು ಸಾಕ್ಷಿ ಎಸ್.ಕೆ.ರಾಜಯ್ಯ ರವರು ತುಮಕೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಛೇರಿಗೆ ಹೋಗಿ ಆ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾದಾಗ, ಕಂದಾಯ ಶಾಖೆಯಲ್ಲಿ ಕುಳಿತಿದ್ದ ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಲಂಚದ ಹಣ ಕೇಳಿದ್ದು, ಆಗ ದೂರುದಾರರು ರೂ.5,000/- ಗಳನ್ನು ನೀಡಿದಾಗ ಅದನ್ನು ಪಡೆದುಕೊಂಡು ಬಲಗೈನಿಂದ ಪ್ಯಾಂಟಿನ ಬಲ ಮುಂಭಾಗದ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುತ್ತೀರಿ. ಆಗ ಪೊಲೀಸರು



ದಾಳಿ ಮಾಡಿದ್ದಾರೆ. ಅದೇ ದಿವಸ ಸದರಿ ಲಂಚದ ಹಣ ರೂ.5,000/-  
ಗಳನ್ನು ಆ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮಿಂದ ಪಂಚನಾಮೆ ಮೂಲಕ  
ತನಿಖಾಧಿಕಾರಿಗಳು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ  
ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ  
ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ  
ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled against DGO, Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru.
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined three witnesses i.e., PW-1 to PW-3 and Ex. P-1 to P-33 documents were got marked. In fact, DGO was also examined himself as DW-1.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of the Inquiry Officer.




7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO, Shri H.N.Shivakumaraiah will retire from service on 30/06/2036.
8. Having regard to the nature of charge 'Proved' against DGO, Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of compulsory retirement of DGO, Shri H.N.Shivakumaraiah, Second Division Assistant, Tumakuru Mahanagara Palike, Tumakuru".

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

Connected records are enclosed herewith.

  
.. 29/8/22  
**(JUSTICE K.N.PHANEENDRA)**  
UPALOKAYUKTA-2,  
STATE OF KARNATAKA.