

**ಕರ್ನಾಟಕ ಸರ್ಕಾರ**



**ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ**

ನಂ.ಉಪಲೋಕ್-2/ಡಿಇ/220/2019/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 28ನೇ ಮಾರ್ಚ್ 2023.

**--: ಶಿಫಾರಸು :-**

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಅಮ್ಜದ್ ಅಲಿ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮ, ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ ಕಂಇ 31 ಬಿಡಿಪಿ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08/08/2019.
- (2) ಉಪಲೋಕಾಯುಕ್ತ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-2/ಡಿಇ/220/2019, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23/08/2019.
- (3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ:23/03/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 08/08/2019 ರಂತೆ ಶ್ರೀ ಅಮ್ಜದ್ ಅಲಿ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮ, ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು

*(Handwritten signature)*

ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/220/2019, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23/08/2019ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅಪ್ಪುದ್ ಅಲಿ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮ, ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ಅನುಬಂಧ-1


ದೋಷಾರೋಪಣೆ

ಆಫಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಅಪ್ಪುದ್ ಅಲಿ ಆದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕಿನ ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮದ ಗ್ರಾಮಲೆಕ್ಕಿಗರಾಗಿ 2004ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಅರಕ್ಷಕ ಠಾಣೆಯಲ್ಲಿ ದಿನಾಂಕ 03/11/2014 ರಂದು ದೂರು ಸಲ್ಲಿಸಿರುವ ದೂರುದಾರರಾದ ತುಮಕೂರು ಜಿಲ್ಲೆ ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ ಸೂಳೆಕುಪ್ಪೆ ಗ್ರಾಮದ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಚಿಕ್ಕಣ್ಣ ರವರು: ಸೂಲೆಕುಪ್ಪೆ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ 10/4 ರಲ್ಲಿನ 1 ಎಕರೆ 28 ಗುಂಟೆ ಜಮೀನಿನ ಖಾತೆಯನ್ನು ಚಿಕ್ಕಣ್ಣ ರವರ ಹೆಸರಿಗೆ ವರ್ಗಾಯಿಸಲು 2004ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕೊತ್ತಗೆರೆ ಹೋಬಳಿಯ ರಾಜಸ್ವ ನಿರೀಕ್ಷಕರಾಗಿದ್ದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರಿಗೆ ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ರೂ. 1,000/- ಲಂಚ ಪಡೆದುಕೊಳ್ಳಬೇಕೆಂದು ನೀವು ದಿನಾಂಕ 29/10/2004 ರಂದು ಮತ್ತು ಅದಕ್ಕೂ ಮೊದಲೇ ಪ್ರೇರೇಪಿಸಿ ನಿಮ್ಮ ಪ್ರೇರಣೆಯಿಂದಾಗಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ದಿನಾಂಕ 03/11/2004 ರಂದು ಮದ್ಯಾಹ್ನ 3:45 ಗಂಟೆಯಿಂದ 4:10 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ಕಛೇರಿಯಲ್ಲಿ ರೂ. 800/- ಗಳನ್ನು ಲಂಚ ರೂಪದಲ್ಲಿ ಪಡೆದುಕೊಂಡಿದ್ದು ಆ ಹಣದ ಪೈಕಿ ನಿಮ್ಮ ಭಾಗ ಸಹ ಇರುವ ಕಾರಣ ಸದರಿ ರೂ. 800/- ಗಳನ್ನು ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ಪಡೆದುಕೊಳ್ಳುವಂತೆ ನೀವು ಹೆಚ್.ರಂಗಬೋವಿ ರವರಿಗೆ ಪ್ರೇರೇಪಿಸಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅಮ್ಜದ್ ಅಲಿ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮ, ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-3 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-10 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸ್ವತಃ ತಾವೇ ಡಿ.ಬ್ಲ್ಯೂ-1 ಎಂಬ ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಂತೆ ದಾಖಲಾತಿಯನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
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 ಸರ್ಕಾರಿಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅಮ್ಜದ್ ಅಲಿ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮ, ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ, ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

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7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.  
ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

  
(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎಸ್.ಫಣೀಂದ್ರ)  
ಉಪಲೋಕಾಯುಕ್ತ-2,  
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

**KARNATAKA LOKAYUKTA**

NO. UPLOK-2/DE/220/2019/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 23/03/2023.

**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Amjad Ali,  
Village Accountant, Doddamalawadi Village,  
Kottagere Hobli, Kunigal Taluk, Tumkuru -  
reg.

Ref: 1. Order No. ಕಂಇ 31 ಬಿಡಿಪಿ 2017 ಬೆಂಗಳೂರು, ದಿನಾಂಕ  
08/08/2019.  
2. Nomination Order No. UPLOK-  
2/DE/220/2019, Bengaluru, dated  
23/08/2019.

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1. The Departmental Enquiry is initiated against Sri. Amjad Ali, Village Accountant, Doddamalawadi Village, Kottagere Hobli, Kunigal Taluk, Tumkuru (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 03/11/2004. The allegations in the complaint is that DGO while working as village accountant in Doddamalawadi Village, Kottagere Hobli, Kunigal Taluk, Tumkuru district in the year 2004, the complainant's father had purchased 1 acre 28 guntas of land in Sy.No.10/4 of Sulekoppe grama, Kunigal Taluk, Tumkuru District. That the complainant had given application for change of khata of the above said land for which the DGO

  
23/3/23

instigated Rangabhovi Revenue Inspector to demand bribe of Rs.1000/- from the complainant and the said Rangabhovi on the instigation of DGO received Rs 200/- from the complainant and asked him to give the balance amount of Rs 800/- to him and DGO for the said work.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Tumkuru on 03/11/2004, he has lodged complaint before Police Inspector, Karnataka Lokayukta Tumkuru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.08/2004 against the DGO for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.
3. The Investigating Officer took up investigation and on the same day, as per the instructions of DGO, Revenue Inspector Rangabhovi demanded and accepted Rs.800/- in the office of Revenue Inspector at about 04.00 to 04.10 p.m. and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Tumkuru. Both DGO and Rangabhovi have 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.

  
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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 23/02/2017 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 08/08/2019 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 23/08/2019, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

**ಅನುಬಂಧ-1**

**ದೋಷಾರೋಪಣೆ**

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಅಮ್ಬದ್ ಆಲಿ ಆದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕಿನ ದೊಡ್ಡಮಳಲವಾಡಿ ಗ್ರಾಮದ ಗ್ರಾಮಲೆಕ್ಕಿಗರಾಗಿ 2004ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯಲ್ಲಿ ದಿನಾಂಕ 03/11/2014 ರಂದು ದೂರು ಸಲ್ಲಿಸಿರುವ ದೂರುದಾರರಾದ ತುಮಕೂರು ಜಿಲ್ಲೆ ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ ಸೂಳೆಕುಪ್ಪೆ ಗ್ರಾಮದ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಚಿಕ್ಕಣ್ಣ ರವರು ಸೂಳೆಕುಪ್ಪೆ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ 10/4 ರಲ್ಲಿನ 1 ಎಕರೆ 28 ಗುಂಟೆ ಜಮೀನಿನ ಖಾತೆಯನ್ನು ಚಿಕ್ಕಣ್ಣ ರವರ ಹೆಸರಿಗೆ ವರ್ಗಾಯಿಸಲು 2004ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕೊತ್ತಗೆರೆ ಹೋಬಳಿಯ ರಾಜಸ್ವ

  
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ನಿರೀಕ್ಷಕರಾಗಿದ್ದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರಿಗೆ ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ರೂ. 1,000/- ಲಂಚ ಪಡೆದುಕೊಳ್ಳಬೇಕೆಂದು ನೀವು ದಿನಾಂಕ 29/10/2004 ರಂದು ಮತ್ತು ಅದಕ್ಕೂ ಮೊದಲೇ ಪ್ರೇರೇಪಿಸಿ ನಿಮ್ಮ ಪ್ರೇರಣೆಯಿಂದಾಗಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ದಿನಾಂಕ 03/11/2004 ರಂದು ಮದ್ಯಾಹ್ನ 3:45 ಗಂಟೆಯಿಂದ 4:10 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ಕಛೇರಿಯಲ್ಲಿ ರೂ. 800/- ಗಳನ್ನು ಲಂಚ ರೂಪದಲ್ಲಿ ಪಡೆದುಕೊಂಡಿದ್ದು ಆ ಹಣದ ಪೈಕಿ ನಿಮ್ಮ ಭಾಗ ಸಹ ಇರುವ ಕಾರಣ ಸದರಿ ರೂ. 800/- ಗಳನ್ನು ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ಪಡೆದುಕೊಳ್ಳುವಂತೆ ನೀವು ಹೆಚ್.ರಂಗಬೋವಿ ರವರಿಗೆ ಪ್ರೇರೇಪಿಸಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

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

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಕುಣಿಗಲ್ ತಾಲ್ಲೂಕು ಕೊತ್ತಗೆರೆ ಹೋಬಳಿ ಸೂಳೆಕುಪ್ಪೆ ಗ್ರಾಮದ ನಿವಾಸಿಯಾದ ಚಿಕ್ಕಣ್ಣ ರವರ ತಂದೆಯಾದ ಹುಚ್ಚಪ್ಪ ರವರು ಖರೀದಿ ಮಾಡಿದ ಸೂಳೆಕುಪ್ಪೆ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ 10/4 ರಲ್ಲಿನ 1 ಎಕರೆ 28 ಗುಂಟೆ ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಿಕೊಡಲು ಕಂದಾಯ ನಿರೀಕ್ಷಕರಾದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರಿಗೆ ರೂ. 300/-, ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ರೂ.500/- ಹಾಗೂ ನಿಮಗೆ ರೂ.200/- ಎಂದು ಒಟ್ಟಾರೆ ರೂ.1,000/-ಗಳನ್ನು ನೀಡಲು ಒತ್ತಾಯಿಸಿ ಮುಂಗಡವಾಗಿ ರೂ.200/-ಗಳನ್ನು ದಿನಾಂಕ:29-10-2004ರಂದು

  
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ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಪಡೆದುಕೊಂಡು ಉಳಿದ ಬಾಕಿ ಹಣ ರೂ.800/-ಗಳನ್ನು ತಂದು ಕೊಡುವಂತೆ ಮಾತನಾಡಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿ ಮುದ್ರಕದಲ್ಲಿ ಚಿಕ್ಕಣ್ಣ ರವರು ಮುದ್ರಿಸಿಕೊಂಡು ಲಂಚದ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಧಿಕಾರಿ ಯವರನ್ನು ದಿನಾಂಕ:03-11-2004ರಂದು ಭೇಟಿ ಮಾಡಿ ನಿಮ್ಮ ಹಾಗೂ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ವಿರುದ್ಧ ದೂರು ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ತಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಎಂದರೆ ತನಿಖಾಧಿಕಾರಿಯವರು ಅಪರಾಧ ಸಂಖ್ಯೆ: 08/2004 ರಲ್ಲಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ವಿರುದ್ಧ ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7, 13(1)(ಡಿ) ಜೊತೆಗೋಡಿ ವಿಧಿ 13(2)(ಡಿ) ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ನೊಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ತುಮಕೂರಿನ ವಿಶೇಷ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಒಬ್ಬರು ನೆರಳು ಸಾಕ್ಷಿಯನ್ನು ಹಾಗೂ ಒಬ್ಬರು ಪಂಚರನ್ನು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಗೆ ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿರುತ್ತಾರೆ. ನೆರಳು ಸಾಕ್ಷಿ ಹಾಗೂ ಪಂಚ ಸಾಕ್ಷಿಯ ಸಮಕ್ಷಮ ದೂರುದಾರರು ರೂ. 100/- ಮುಖಬೆಲೆಯ 7 ನೋಟುಗಳನ್ನು ಹಾಗೂ ರೂ. 50/- ಮುಖಬೆಲೆಯ 2 ನೋಟುಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ತನಿಖಾಧಿಕಾರಿಯವರು ದಾಖಲಿಸಿದ್ದು ನಂತರ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಹೆಚ್.ರಂಗಬೋವಿ ರವರನ್ನು ಬಲೆಗೆ ಕೆಡವಲು ಹೋಗಿದ್ದು, ದಿನಾಂಕ:03-11-2004ರಂದು ಚಿಕ್ಕಣ್ಣ ರವರು ಹೆಚ್.ರಂಗಬೋವಿ ರವರನ್ನು ಅವರ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ನಿಮ್ಮ ಪ್ರೇರೇಪಣೆಯಿಂದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಅಂದು ಎಂದರೆ ದಿನಾಂಕ 03/11/2004 ರಂದು ಸಂಜೆ ಸುಮಾರು 4-00

  
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ಗಂಟಿಯಿಂದ 4-10ರ ಅವಧಿಯಲ್ಲಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಚಿಕ್ಕಣ್ಣ, ನೆರಳು ಸಾಕ್ಷಿ, ಪಂಚ ಸಾಕ್ಷಿ ಮತ್ತು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಸಿಬ್ಬಂದಿಗಳ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಜರುಗಿಸಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ನೆರಳು ಸಾಕ್ಷಿಯು, ಪಂಚ ಸಾಕ್ಷಿಯ ಮತ್ತು ಇತರ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಹೇಳಿಕೆಯನ್ನೂ ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು ನಿಮ್ಮಿಂದ ಮೇಲ್ಕಂಡ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಕಡತದ ಹಾಳೆಗಳ ನಕಲುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಮುದ್ದೆಮಾಲುಗಳನ್ನು ರಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ರವಾನಿಸಿ ಅವುಗಳನ್ನು ರಸಾಯನಿಕ ತಜ್ಞರ ವರದಿಯೊಂದಿಗೆ ವಾಪಸ್ಸು ಪಡೆದುಕೊಂಡು ತನಿಖೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಿ ಹೆಚ್.ರಂಗಬೋವಿ ಹಾಗೂ ನಿಮ್ಮ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತುಮಕೂರಿನ ವಿಶೇಷ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

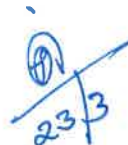
ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನಿಮ್ಮ ಪ್ರೇರೇಪಣೆಯಿಂದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ರೂ. 800/- ಲಂಚ ಹಣವನ್ನು ಚಿಕ್ಕಣ್ಣ ರವರಿಂದ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 03/11/2004 ರಂದು ಸಂಜೆ 4:00 ಗಂಟೆಯಿಂದ ಸಂಜೆ 4:10 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಪಡೆದುಕೊಂಡಿದ್ದು ತನಿಖಾಧಿಕಾರಿಯವರು ಒಡ್ಡಿದ ಬಲೆಗೆ ಹೆಚ್.ರಂಗಬೋವಿ ರವರು ಸಿಲುಕಿದ್ದು ನಿಮ್ಮ ಪ್ರೇರೇಪಣೆಯು ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟಿದ್ದು ನೀವು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

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ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಯೋಗ್ಯ ಕಾರಣಗಳು ಕಂಡು ಬರದಿದ್ದು ಆ ಕಾರಣಕ್ಕಾಗಿ ನಿಮ್ಮ ಹಾಗೂ ಹೆಚ್.ರಂಗಬೋವಿ ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಜರುಗಿಸಲು ಕರ್ನಾಟಕದ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ-2 ರವರು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿದ್ದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ಶಿಫಾರಸ್ಸನ್ನು ನಿಮಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಒಪ್ಪಿದ್ದು ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

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 28/08/2020 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 28/08/2020, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 28/02/2033.**

9. The advocate for DGO has filed written statement on behalf of DGO dated 11/06/2018 denying the allegations made against him in the articles of charge and statement of imputation. Further contended that while transferring the katha, the DGO has not kept pending any of the papers or delayed in processing the papers

  
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on his side in any manner, as he has completed his job within time. Further the voice record relied by the complainant is not of DGO and at the time of arrest the DGO was not at all physically present on the spot, time and date mentioned in the complaint and as such he has not committed any such criminal misconduct being Government Servant by demanding or motivating for an illegal gratification amount from the complainant.

DGO further contended that he has not demanded and accepted any amount in any manner at any point of time and as such he has not committed any offence during his service tenure and further the Special case registered for the offences punishable under sections 7 and 13(1) (d) r/w rule 13(2) of P.C. Act, 1988 came to be acquitted by the Hon'ble IInd Additional District and Session Judge, Tumkur. In that shadow witnesses have also turned hostile. Further the competent authority has given an legal opinion that the judgment in Spl.Case No.38/2006 dated 23/04/2012 is not a fit case to challenge before the appellate Court.

DGO further contended that all the allegations made by the complainant are false and far from truth. The khatha proceedings are taken as per the rules and ended in August 2004 itself, but on the other hand the complainant filed complaint after completion of his work and after change of khatha on 03/11/2004 only to harass the DGO and other revenue officials.

DGO further contended that he has not committed any such offence and as such he has not demanded or accepted the illegal gratification amount and further he has not demanded or motivate the revenue Inspector H. Ranga Bhoivi to collect the illegal

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gratification amount of Rs.1,000/- or any amount from the complaint for the said purpose or any other purpose as alleged by the complainant. Therefore, under the above facts and circumstances, DGO deny each and every allegations except those which are specifically admitted herein and before the higher officials of his department and hereby denied as false and created stories. Further contended that there is no misconduct on his part and he prayed that he may be exonerated from the imputation of charges leveled 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 while working as Village Accountant at Doddamalawadi Grama, Kunigal taluk, Tumkuru District motivated Sri. Rangabhovi Revenue Inspector to demand Rs.1000/- for change of khatha of land belonging to one Huchchappa father of the complainant and the said Rangabhovi on the instigation of DGO received Rs 200/- from the complainant and asked him to give the balance amount of Rs 800/- to him and DGO for the said work and the complainant not willing to pay the amount lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Tumkuru who registered case in Cr.No.08/2004 and took up investigation and on 03/11/2004, Sri. Rangabhovi, working as Revenue Inspector in the office of DGO was caught red handed while**

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**demanding and accepting illegal gratification of Rs.800/- on behalf of himself and DGO from the complainant and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Tumkuru and both DGO and Rangabhovi, Revenue Inspector have failed to give satisfactory or convincing explanation for the said tainted amount found from the possession of Rangabhovi, when questioned by the said I.O. and thereby 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. Chikkanna/ complainant as PW-1, Sri. Thimmaraju/panch witness as PW2, Sri.J.B.Rangaswamy/ Investigating Officer as PW3 and got exhibited 10 documents on it's behalf.

(b) The DGO has examined himself as DW1 by filing affidavit in lieu of his chief examination and got exhibited Ex D1 Certified copy of the Judgment in Spl. Case No.38/2006 on his behalf.

  
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(c) Since DGO has adduced evidence by examining himself, hence, incriminating circumstances which appeared against him in the evidence of PW1 to PW3 is not put to him by way of questionnaire and same is dispensed.

12. Heard both side arguments and perused the written argument filed by the counsel for the DGO and all the documents.

13. The answers to the above points are:

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

### REASONS

**14. Point No.1:-** (a) P.W.1/complainant Sri. Chikkanna has deposed in his evidence that his father, Shri Huchappa S/o Devaiah had purchase 1 acre 28 guntas of land in SyNo.10/4 of Sulekopa grama, Kunigal Taluk, Tumkuru District from one Puttamma in 2003. That the khatha was to be transferred in name of his father. That he his father is aged, so he gave application for change of khatha. PW1 further stated that the village accountant, Shri. Manjunatha came to the spot for verification. That he took their statements. That said Manjunatha demanded Rs.500/- for change of khatha. That he denied to give it. Therefore the said Manjunath got objection put through some person known to him, by name Nanjaiah. That the case was referred to Tahsildar, and finally, the Tahasildar ordered that khatha should be effected in his father's name.

  
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PW1 further stated that he gave copy of the order to Revenue Inspector, Rangabhovi. That the said Rangabhovi did not do the work and passed time on one or the other pretext. That the DGO was working as Village Accountant at that time, Rangabhovi told him that, he has to pay Rs.500/- to Tahasildar, Rs.300/- to Revenue Inspector i.e., Rangabhovi himself and to Rs.200/- for village accountant. That said Rangabhovi made this demand probably in November in the year 2004.

PW1 further stated that thereafter, he went to Tumkur Lokayukta police station. That the police gave him voice recorder. That on the same day, he spoke to Rangabovi, R.I. and got the conversation recorded. That after 3 days, he went to the Lokayukta police station and gave complaint as per Exp1 and voice recorder and he identified his signature on the same. PW1 further stated that he gave Rs. 800/- containing notes of Rs. 100/- and Rs.50/- to the police, to lay the trap. The police secured 3 panch witness, Virupaksha Gowda, Syed Refhan and Thimmaraju. The police applied powder to all the notes and got the numbers of the notes noted and put them in a cover, and he kept the same in his left side shirt pocket. The voice recorder was played, transcribed and burnt to CD in presence of witnesses. The police instructed him to give the amount only when Rangabovi demands and after acceptance to give signal by removing the hat. The police asked Thimmaraju to act as shadow witness. The police drew pre-trap mahazar as per Ex P2 and he identified his signature on the same.

PW1 further stated that all of them went near the office of Rangabovi. That he went to meet Rangabovi. Thimmaraju was following him. The DGO was not in the office. Rangabovi was in

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the office. Rangabovi asked the amount, and he gave the tainted amount to him. Rangabovi accepted the same with his right hand and kept it in his left side shirt pocket. That he has never spoken to DGO. The DGO never demanded any money from me. That he gave signal by removing his hat.

PW1 further stated that police came there and surrounded Rangabovi. The police got the hands of Rangabovi washed in some water like solution. The solution turned to light pink colour. Rangabovi removed the amount and gave to police. The notes were the same. The police seized the same. The police also dipped the shirt pocket of Rangabovi in solution. The solution turned to light pink colour. The police seized the shirt and samples of the solution. PW1 further stated that the police took them to Taluka office i.e., Tahasildar Office. The police recovered the documents pertaining to him from the said office. The police have not called DGO to the spot. That he has not seen DGO in the Taluka office at that time. The police played the voice recorder and got it transcribed. The police took photographs and explanation from Rangabovi. The police drew trap panchanama as per Exp3 and identified his signature on it. Pw1 further stated that the DGO was Village Accountant at that time and he does not know whether the police arrested the DGO and he identified the DGO.

15. (a) PW2/shadow witness Sri Thimmaraju has deposed in his evidence that he has worked as Supervisor in PLD Bank, Tumkur from 1995 to 2017. That on 03/11/2004 his higher officer had asked

  
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him to go to Tumkur Lokayukta police station. That he went to KLA, Tumkur Police station at 10:15 a.m. That one Chikkanna, Lokayukta P.I, Syed Rifanulla and Dr.Virupaksha Gowda were present in the station. That the I.O. introduced him to complainant Chikkanna and he came to know that the R.I. and DGO have demanded bribe of Rs. 800/- for change of khatha from Chikkanna. That the complainant Chikkanna produced 7 notes of Rs. 100/- denomination each and 2 notes of Rs. 50/- denomination to the I.O. to lay the trap. That the I.O. got the number and denomination of the notes noted in a sheet and the I.O. got smeared powder on the said notes and the I.O. got the notes kept in the left side shirt pocket through Syed Rifanulla. PW2 further stated that the I.O. washed the hands of Syed Rifanulla in the solution and the solution turned to pink colour and the I.O. seized the sample of the solution and the I.O. instructed Chikkanna, complainant to give the amount to DGO only if demanded and after acceptance to remove his cap and shake it and the I.O. asked him to accompany the complainant and watch the happenings and act as shadow witness. PW2 further stated that the I.O. has drawn pre-trap mahazar in this as per Ex.P-2.

PW2 further stated that later on all of them went to DGO's office at Sulekoppe, Kunigal Taluk and they reached the spot at 3:30 p.m. That the I.O. sent complainant and asked him to follow him to the R.I's office and the R.I. asked complainant whether he has brought the amount and asked the money by making signal. That the complainant gave the tainted notes to R.I. and he received the amount and kept it in his shirt pocket and the complainant came out and gave signal by removing his cap and shaking it. That the I.O. came inside the office and enquired complainant and the

  
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complainant showed the R.I. and told that he has given the tainted notes to him. That the I.O got the solution prepared and got both hands of the R.I. washed in 2 separate bowls and solution in both bowls turned to pink colour and the I.O. seized the solution and the I.O. enquired the R.I about the tainted notes and he produced it. That Syed Rifanulla tallied the notes with pre-trap panchanama and they were tallying with each other and the I.O. seized the notes.

PW2 further deposed that later on the I.O. has taken all of them to Tahasildar office and the I.O. has seized the shirt of R.I. by making alternate arrangement and dipped the portion of the shirt in the solution and the solution turned to pink colour and the I.O. has seized the shirt as well as the solution. That the I.O. has taken the explanation of R.I. but it was false. That the I.O. seized one book from R.I. and the Tahasildar called for DGO who was working as Village Accountant and the I.O. seized the documents from DGO and the I.O. arrested both R.I. and DGO.

PW2 further stated that the I.O. had given voice recorder to complainant in the police station before going to trap. That the I.O. received the voice recorder and played it in front of the panchas and Tahasildar and got it transferred to cassette and got it transcribed and seized the cassette. That the I.O. has drawn trap mahazar with respect to the above proceedings as per Ex.P-3 and he has signed it and identified the same.

16. (a) PW3/ Sri. J.B.Rangaswamy, Investigating Officer has deposed in his evidence that he has worked as Police Inspector

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in Karnataka Lokayukta, Tumkuru from 2004 to 2006. That on 29/10/2004, complainant/PW-1 came to his police station, and told that the RI, Rangabhovi and VA, DGO in Kothagere village are demanding Rs. 1,000/- bribe for change of khatha of the land belonging to his mother. So, he gave voice recorder to PW-1 to record the conversation with DGO.

PW3 further stated that PW-1 again came to him on 03/11/2004 at 10:30 a.m, and gave him the voice recorder containing conversation between him and DGO on 29/10/2004. That PW-1 lodged complaint as per Ex.P-1 against the DGO and he received the complaint and registered the same as crime number 8/2004 for offences u/s 7, 13(1)(d) r/w 13(2) of P.C.Act, 1988, after confirming the contents of the voice recorder and identified the complainant and his signature on the same and identified the attested copy of the FIR as Ex.P-4. PW4 further stated that he sent the said complaint and FIR along with the documents in closed envelope to the jurisdictional court. That he secured 3 panch witnesses, CW-2 & 3 and PW-2, by sending requisition to Government Hospital, Tumkuru, PLD Bank, Tumkuru and Office of Assistant Directorate of Agriculture. That the panch witnesses reported before me at about 11:30 a.m. That he introduced himself and PW-1 to them. That he also briefed them about the contents of the complaint and gave copy of complaint to them to read and verify the same. That the said witnesses, PW-2 and CW-2 and 3 have agreed to act as witnesses. PW4 further stated that PW-1 gave him 7 notes of Rs. 100/- each and 2 notes of Rs. 50/- i.e., total Rs. 800/- to lay the trap. That he got the number of the

  
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currency notes noted by his staff in pre-trap mahazar and he got phenolphthalein powder applied to both sides of the currency notes through his staff. That he got the same kept in the front left side shirt pocket of PW-1 through CW-3. That he got sodium carbonate solution prepared through his staff and he took sample of the same and also sample of the sodium carbonate powder. That he also took sample of the phenolphthalein powder. That he got the hands of CW-3 washed in sodium carbonate solution and the solution turned to pink colour and he took sample of the same. That he told PW-1 and CW-2 and 3 about the reaction between phenolphthalein powder and sodium carbonate solution. That he also instructed PW-1 to pay the amount only on demand by DGO, and after acceptance to give signal by lifting his cap. That he instructed PW-2 to follow PW-1 and act as shadow witness. That all of them washed their hands thoroughly with soap and he got photographs taken of entire proceedings and he has drawn pre-trap mahazar as per Ex.P-2. That all of them left near the office of DGO from his police station.

PW3 further stated that they reached the DGO office at about 03:45 p.m, and stopped at a distance from office of DGO. That he repeated the instructions to PW-1 and 2. That he sent PW-1 to the office of DGO. That after sometime at 4:10 p.m, PW-1 came out of the office and gave signal by lifting his cap. That all of them went near PW-1 and PW-1 took them inside where the Rangabhovi was sitting. That PW-1 showed them Rangabhovi and told that, when he asked about his work, the Rangabhovi demanded money, and

  
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PW-1 gave him the money and Rangabhovi received the tainted money with his right hand and after counting it kept it in his left side shirt pocket.

PW3 further stated that he showed his identity card to Rangabhovi and told him the purpose for coming and asked him to co-operate. That he collected the name, designation and address of Rangabhovi. That he asked PW-2 about the happenings, and he too told the same. PW4 further stated that he got sodium carbonate solution prepared in 2 bowls through his staff. That he took sample of the same. That he got both hand of Rangabhovi dipped in the solution separately. That the solution turned to light pink colour and he took sample of the same. That he seized the amount from Rangabhovi. The said notes were tallying with the numbers of the notes mentioned in pre-trap panchanama. Since there was no electricity supply he has taken all of them along with Rangabhovi to Tahasildar office, Kunigal. That he has deputed his staff for search of DGO.

PW3 further stated that he also got the portion of shirt pocket of Rangabhovi dipped in sodium carbonate solution and the solution turned to light pink colour and he seized the shirt, after having made arrangement of alternate shirt to Rangabhovi and also seized samples of the solution. That he has taken the explanation of Rangabhovi as per Ex.P-5.

PW3 further deposed that he asked the Rangabhovi about the file of PW-1. and he gave the documents pertaining to complainant.

  
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That he seized the same after obtaining the copies as per Ex.P-6. That Rangabhovi told that other documents are in the Tahasildar office so he sent his staff to get the documents. The staff of Tahasildar office has produced the documents pertaining to PW-1. That he seized the same after obtaining the copies as per Ex.P-7. That his staff produced DGO before him at 6:20 p.m. That he has seized tapal register produced by DGO as per Ex.P-8. That he drew trap mahazar as per Ex.P-3. That he took photographs of the trap proceedings.

PW3 further stated that he got the voice recorder and burnt it to CD and he seized the CD. That he arrested the Rangabhovi and DGO and released them on self bond. That on 30/01/2006, he got the sketch prepared from PWD Engineer as per Ex.P-9. That he sent the articles for chemical examination and received the report dated 17/12/2004 as per Ex.P-10. That he filed the charge sheet against the DGO after obtaining sanction and identified the DGO.

17. Sri. Amjad Ali, DGO examined himself as DW1 and he has filed his affidavit in lieu of his chief examination wherein he has reiterated the facts narrated in his written statement as narrated above and got marked ExD1 i.e., certified copy of the Judgment in Spl. Case No.38/2006 on his behalf.

18. From the evidence of PW1/ complainant, PW2/ shadow witness and PW3/Investigating Officer it reveals that the complainant/PW1 filed complaint that there is demand of bribe of Rs1000/- by DGO through R.I. Rangabhovi for change of khatha of

  
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the land belonging to his father and the said R.I. received Rs200/- and asked for remaining Rs 800/-. Further their evidence reveals that PW1 has lodged complaint as per Ex.P1 and PW3/I.O. has registered the case and called PW2 and CW3 as panch witnesses and had conducted pre-trap mahazar as per Ex.P2.

19. At this juncture it is pertinent to note the evidence of PW1/complainant in his chief examination wherein he has deposed:

“The village accountant, Shri. Manjunatha came to the spot for verification. He took our statements. Said Manjunatha demanded Rs.500/- for change of khatha. I denied to give. Therefore, said Manjunath got objection put through some person known to him, by name Nanjaiah.”

“That he has never spoken to DGO. The DGO never demanded any money from me.”

“That he has not seen DGO in the Taluka office at that time.”

PW1 in his cross examination by DGO counsel has deposed:

“It is true that, at the time when I went to the Village Accountant office to enquire about change of khatha, Sri. Manjunath was the Village Accountant. It is true that the

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DGO has never demanded or accepted any bribe amount”.

From the above evidence of PW1, it reveals that DGO has not demanded bribe from him. He has unequivocally deposed that DGO has not demanded any bribe from him and he has not given any bribe to him. Further he has deposed that one Manjunath village accountant has demanded bribe from him. Further PW1 has not recorded any conversation between him and DGO.

20. Further PW2/ shadow witness has deposed in his cross examination that:

“It is true on the date of trap DGO was not present at the spot.”

“It is true I saw DGO for the first time before this authority in the last hearing.”

From the above evidence PW2, shadow witness, who accompanied the complainant at the time of trap. Even on perusal of evidence of PW.2, he has deposed that after the entrustment mahazar was drawn as per Ex.P1. He was sent along with the complainant to meet Ranghabovi Revenue Inspector and he has not stated anything as to Ranghabovi demanded and accepted money on the instruction of DGO. As such from the above evidence of PWs 1 to 3 there is no piece of

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evidence to show that DGO had demanded bribe from PW1 for his work and has received it through Ranghabovi Revenue Inspector.

21. From the evidence of PWs1 to 3 it can be seen that money has been recovered from the possession of Ranghabovi who according to the disciplinary authority is a Revenue Inspector working in the office of DGO. Further their evidence reveals the hand wash of said Ranghabovi turned to pink colour and he has given tainted notes received from PW1 by removing it from his shirt pocket and portion of shirt pocket wash also turned to pink colour and I.O has drawn trap mahazar in this regard as per Ex.P3. The evidence of PWs 1 to 3 reveals that amount was recovered from the possession of Ranghabovi. To connect the DGO to the recovered amount that the said Ranghabovi working as Revenue Inspector has received the amount on the instructions of DGO is concerned. No iota of evidence is placed by the disciplinary authority.


22. DGO has taken defence that he has completed the work of complainant prior to lodging of the complaint and the khatha proceedings are taken as per the rules and ended in August 2004 itself, but on the other hand the complainant filed complaint after completion of his work and after change of khatha on 03/11/2004 only to harass the DGO and other revenue officials. On perusal of Exp8 it reveals that khatha has been ordered to be changed on 25/08/2004 itself. So, as on the date of the complaint i.e.03.11.2004 itself, khatha was already ordered to be

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changed and as such, the complainant had no occasion to approach the DGO asking for change of khatha. Moreover, the complainant himself did not depose anything before the court that the DGO has demanded to pay an amount of Rs.1,000/- as bribe for change of khatha.

23. So, considering all these aspects, it is very much clear that the disciplinary authority has utterly failed to prove that the DGO through the Revenue Inspector Rangabovi have demanded a bribe of Rs.1,000/ for change of khatha. The disciplinary authority has also failed to prove that the DGO has received the bribe of Rs.1,000/- through Rangabovi the Revenue Inspector on demand to do an official favour to the complainant. Further PW1 clearly deposed that DGO has not demanded any bribe from him for the said work. Such being the case, the work of PW1/complainant was completed on 25/08/2004 prior to trap and it was brought to the notice of PW1, then demand and acceptance of bribe for the said work will not arise. Further there is no clear, cogent and convincing evidence placed by the disciplinary authority to prove that DGO demanded bribe from PW1 for his work which was not at all pending before him.

24. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P1 to P10, as reasoned above, does not prove that the DGO had demanded and accepted bribe of Rs.1,000/- from the complainant through one Rangabovi, Revenue Inspector on 03.11.2004. The disciplinary authority has not proved the charges

  
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against this DGO. Accordingly, this point is answered in the **Negative.**

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

**FINDINGS**

The disciplinary authority has not proved the charges against the D.G.O.

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

  
(J.P. Archana) 23/3/23

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

**ANNEXURES**

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

PW1:- Sri. Chikkanna  
PW2:- Sri. Thimmaraju  
PW3:- Sri. J.B.Rangaswamy.

List of witnesses examined on behalf DGO:-

DW1:- Sri. Amjad Ali (DGO).

  
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List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Attested copy of complaint dated 03/11/2004.
Ex P2	Attested copy of pre-trap mahazar dated 03/11/2004.
Ex P3	Attested copy of trap mahazar dated 03/11/2004.
Ex P4	Attested copy of FIR dated 03/11/2004.
Ex.P5	Attested copy of statement Rangabhovi dated 03/11/2004.
Ex P6 and Ex P7	Attested copies of documents pertaining to complainant in 14 pages.
Ex P8	Attested copy of tapal register.
Ex 9	Attested copy of sketch prepared by PWD.
Ex P10	Attested copy of Chemical Examiner's report dated 17/12/2004.

List of documents marked on behalf of Defence:-

Ex D1	Xerox copy of Judgment dated 23/04/2012 in Special Case No.38/2006.
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(J.P. Archana)

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

