

IN THE COURT OF THE 3rd A.D.J., AT HOSAPETE

Spl.C. No. 5002/2015

P.W. 07 C.W. 33

Name	: Mahantesh Veerappa Hospet
Father's Name	: Veerappa Hospet
Age	: 52 years
Occupation	: Police Inspector, P.T.S. Khanapur.
Residence	: Khanapur, Belagavi District.

Duly Sworn on : 09-08-2024.

Examination-in-chief by: learned Spl.P.P.

I was serving as P.I. Karnataka Lokayuktha, Hosapete since 17.02.2014 to 03.08.2016.

On 22.07.2014 when I was serving as the S.H.O. at Hosapete Lokayuktha Police Station, Complainant came with a written Complaint and lodged the same. Now I see the Complaint which is already marked as Ex.P27. On identification, Signature of the Witness on the Complaint/Ex.P27 is marked as Ex.P27(b).

On verifying the contents of the Complaint, I have instructed the Complainant to secure the Voice Recordings of the person demanding bribe; and handed over Voice Recorder to him.

On 23.07.2014 at about 03.15 p.m. when I was the S.H.O. of Hosapete Lokayuktha Police Station, the Complainant again came and furnished the Voice Recordings and Complaint, as per Ex.P28. On

identification, the same is registered as Hosapete Lokayuktha Police Station Crime No.3/2014, for the offence punishable U/Sec 7 of Prevention of Corruption Act. On identification, Signature of the Witness is marked as Ex.P28(b). I have sent F.I.R. to the Jurisdictional Court. Now I see the said F.I.R., On identification, F.I.R. is marked as Ex.P33 and Signature of the Witness on the F.I.R/Ex.P33 is marked as Ex.P33(a).

On 23.07.2014- on the same day, I have recorded the further Statement of the Complainant.

On the same day, I have issued a requisitions to Block Education Officer and Commissioner, City Municipal Corporation, Hosapete to furnish two Public Servants, to act as Panchas. Accordingly, on the same day at about 04.00 p.m. in the evening, C.W.2/G.Shantharam S/o G.Krishna Murthy, S.D.A., B.E.O., Office, Hosapete and C.W.3/P.W.1 – Sri.S.Jaya Prakash S/o Late S.Krishna, S.D.A., City Municipal Corporation, Hosapete appeared before me. I have got introduced the said persons to the Complainant/C.W.1 and the Cleaner/C.W.6, who were already available in the Hosapete Lokayuktha Police Station. I have furnished the Copy of the Complaint lodged by the Complainant to both the panchas and asked them to go through it; and requested them to act as Panchas in this case. For which both the said persons have agreed to act as Panchas.

I have appointed C.W.2/G.Shantharam as Pancha No.1 and C.W.3/P.W.1-S.Jayaprakash as Pancha No.2.

I have got converted the conversation in the Voice Recorder into C.D.,; and got played the same before both the Panchas. I have got said C.D., seized in the presence of both the said Panchas.

On the same day, I have got converted the Conversation available in the C.D., in Writing. On identification, the said Voice Recording conversation in Writing is marked as Ex.P34 and Signature of the Witness for identification on the first page of Ex.P34 is marked as Ex.P34(a).

Thereafter, I have requested the Complainant to furnish the money demanded by the D.O. Accordingly, he has furnished Rs.600/- Rs.100/- Denomination X 6 Notes. I have requested the Panchas to verify the said money, accordingly the panchas have verified the said money; as per the narration given by Pancha No.1, Pancha No.2 has written the denomination and Sl. Nos. of the said Currency Notes.

Thereafter, I have got smeared Phenolphthalein Powder through our Police Staff/C.W.24. I have got secured Distill Water and Sodium Carbonate Liquid from our Police Staff/C.W.27. I have drawn Sample of Distill Water and Sodium Carbonate Liquid and marked those Samples as Article No.1 and Article No.1(A).

I have requested Pancha No.1 to count the said Currency Notes; after counting of currency Notes by Pancha No.1, I have asked the said Pancha to dip his hands in the Sodium Carbonate Liquid, the said Liquid has turned into Rose Colour, I have drawn the sample of said Sodium Carbonate Liquid turned into Rose Colour and marked those Samples as Article No.2 and Article No.2(A).

I have demonstrated the same for the knowledge of both the panchas, about the procedure.

Thereafter, I have given instructions to the Complainant and Cleaner/C.W.6 to handover the Currency Notes to the D.O. only when he demands; and on delivering the said Currency Notes to make a Signal by wiping his face with the Lungi worn by him. So also, I have instructed Pancha No.2 to be with the Complainant, when he meets the D.O. I have also handed over the Voice Recorder to the Complainant, requesting him to get record the Voice conversation, taken place inbetween him and the D.O.,

Thereafter Pancha No.2 have searched the persons of the Complainant and the Cleaner/C.W.6. Complainant was containing F.I.R. and One Mobile Phone; Cleaner/C.W.6 was not having anything with him.

Thereafter, Pancha No.1 has kept the Currency Notes smeared in Phenolphthalein Powder in the front left side Shirt Pocket of the Complainant.

I have drawn the Pre-trap Panchanama, the same was computerised by our Police Staff/C.W.28. Now I see the said Pre-trap Mahazar/Money Entrustment Mahazar, which is already marked as Ex.P1. On identification, Signature of the Witness on the first page of the said Pre-trap Mahazar/Money Entrustment Mahazar/Ex.P1 is marked as Ex.P1(d).

Thereafter, I have taken the Complainant, Cleaner/C.W.6, both the panchas alongwith Police Staff in the Departmental vehicle to Kalahalli Checkpost. Prior to reaching Kalahalli Checkpost, I have got stopped the Vehicle; and asked the Complainant, Cleaner/C.W.6 and Pancha No.2 to go towards the D.O.; and when D.O., demands money, he has to handover the Currency Notes to the D.O., And myself, Pancha No.1 and other Police Officials went near the Hotel, sitaute besides the Checkpost and kept vigil

upon the Complainant, Pancha No.2 and the Cleaner/C.W.6. After some times, Cleaner/C.W.6 came and gave signal by wiping his face with his Lungi. On viewing the same, myself, Pancha No.1 and other Police Personnels present there went into the said Hotel, wherein the Complainant and the Cleaner/C.W.6 shown the D.O., contending that they have given money to him. I have exhibited my Identity Card to the D.O., and got identified myself to him. I have enquired D.O., about his name, wherein he contend that his name is Pompapathi Naik; thereafter I have intimated the D.O., that Lokayuktha Police, Hosapete has received a Complaint from the Complainant against him and further requested to co-operate during the course of Investigation. I have arrested the D.O., I have also intimated about registration of Crime against the D.O., to the Hotel Owner/C.W.12 and another person present in the said Hotel by name Chethan/C.W.11.

Thereafter I called the Complainant outside the Hotel and enquired him about the transaction transpired inbetween him and the D.O., vis-a-vis I have called Pancha No.2 and enquired him about the transaction transpired inbetween the Complainant and the D.O.,

Thereafter, I have taken the D.O., to the place of his working; with the help of the police Personnels I have got prepared Sodium Carbonate Liquid. I have drawn the Sample from the said liquid, which is numbered as Article No.3 and Article No.3(A). Thereafter I have requested the D.O., to dip his Right hand fingers into the said Sodium Carbonate Liquid, on dipping the fingers of the right hand by the D.O., the Sodium Carbonate Liquid Colour turned into Pink Colour. Again I have drawn the Sample

from the said turned Pink Colour liquid; which is numbered as Article No.4 and Article No.4(A).

So, also I have requested the D.O., to dip his fingers and Thumb of his left hand into the Sodium Carbonate Liquid; for which again the Sodium Carbonate Liquid Colour turned into Pink Colour. Again I have drawn the Sample from the said turned Pink Colour liquid; which is numbered as Article No.5 and Article No.5(A).

I have asked the D.O. to furnish the Currency Notes received by him from the Complainant. Accordingly, the D.O., has handed over the said Currency Notes to the Panchas in my presence. I have requested the Panchas to verify the Sl. Nos. of the said Currency Notes; the said Panchas on verifying the Currency notes with the earlier written Sl. Nos. of the Currency Notes in a paper, got the same confirmed.

Thereafter, I have got seized the said Currency Notes; and numbered it as Article No.6.

I have got arranged the Alternate Shirt for the D.O.,; and asked the D.O., to furnish the Shirt worn by him. Accordingly, the D.O., has submitted the Shirt worn by him to me. I have got dipped the front left side pocket portion of the said Shirt in a Sodium Carbonate Liquid, for which again the Sodium Carbonate Liquid Colour turned into Pink Colour. I have got drawn the said liquid; and it is marked as Article No.7 and Article No.7(a).

On getting seized the Shirt of the D.O., I have numbered it as Article No.8.

I have requested the D.O., to furnish his Explanatory Statement in Writing. On filing the said Statement, I have taken it on record.

Thereafter, I have intimated the Range Forest Officer by name Sreedhar/C.W.9 about the incident of raid; and asked him to near Kalahalli Checkpost. On his arrival, I have got introduced him to the Panchas; and informed him about the incident.

Thereafter, I have asked the Cleaner/C.W.6 to furnish his Mobile Phone. Since, the said Mobile Phone was inside, C.W.14/M.V.Manjunath went inside and brought the said Mobile Phone of the Cleaner/C.W.6. During the Course of Raid, C.W.13 to C.W.16 and C.W.20 were present. On verification of the said Mobile of the Cleaner/C.W.6, it was of O.G.O. G-225 Mobile Phone. I have seized the said Mobile Phone.

Thereafter, I enquired with the complainant with regard to the Voice Recorder, the Complainant expressed that he could not get recorded the Voice Recordings.

I have got clicked Positive Photographs of the event of Raid through Police Personnel/Raghavendra/C.W.26.

I have got prepared the Rough Hand Sketch of the Place of Raid.

I have got drawn the Trap Mahazar inbetween 07.25 p.m. in the evening till 09.00 p.m. in the night. Now I see the Trap Mahazar, which is already marked as Ex.P2. On identification, Signature of the Witness on the Last Page of Trap Mahazar/Ex.P2 is marked as Ex.P2(c).

I have informed the event of arrest of D.O., to R.F.O. Sreedhar/C.W.9.

Thereafter, I have recorded the further Statement of C.W.1 and Statements of C.W.2 to C.W.13, C.W.20 and C.W.25.

I have sent the P.F. in respect of the seized Articles. Witness identifies M.O.1 to M.O.4 present in the Open Court today.

On the same day, I have filed a requisition before the Jurisdictional Court for incorporation of Section 13(1)(d) R/W Sec 13(2)(a) of Prevention of Corruption Act. Now I see the said Requisition. On identification, the said Requisition is marked as Ex.P35 and Signature of the Witness on the said Requisition/Ex.P35 is marked as Ex.P35(a).

Thereafter I have got Medically examined the D.O., presented the D.O., before the Jurisdictional Court alongwith Remand Application, for which D.O., was remanded to Judicial Custody.

On 24.07.2014, I have recorded the Statements of C.W.23 to C.W.29.

On the same day i.e., 24.07.2014, I have issued the requisition to the R.F.O., to furnish the Service Particulars/details of the D.O.,

On the same day, I have issued a requisition to the A.E.E., P.W.D., Hosapete, to furnish the Sketch of the Place of Raid. Now I see the said Requisition. On identification, the said Requisition is marked as Ex.P36 and Signature of the Witness on the Requisition/Ex.P36 is marked as Ex.P36(a)

On 26.07.2014, I have written a Letter to S.P., Bengaluru for securing the C.D.R., pertaining to the Mobile Phone of the Cleaner/C.W.6.

On the same day, I have recorded the further Statement of the Complainant; Statement of C.W.5.

On 01.08.2014, I have received the letter from the R.F.O., stating the Service Particulars/Details of the D.O., On identification, the said Letter is marked as Ex.P37 and Signature of the Witness on the Letter/Ex.P37 is marked as Ex.P37(a).

On the same day, I have recorded the further Statement of C.W.9.

On 02.08.2014, I have issued the requisition to the respective departments of the D.O., C.W.2 and C.W.3, requesting the D.O., C.W.2 and C.W.3 to be present before me, in order to identify the Voice Recordings.

On 04.08.2014, C.W.2, C.W.3, C.W.9 and C.W.10 appeared before me at Hosapete Lokayuktha Police Station; I have requested them to identify the Voice Recordings; and got played the Voice Recordings which was stored in the C.D., On hearing the voice conversation recordings, C.W.9 and C.W.10 have identified the voice of the D.O., I have got drawn the Mahazar to this effect; and the said Mahazar proceedings were conducted in between 11.15 to 12.00 Noon. Now I see the said Voice identification Mahazar, which is already marked as Ex.P32. On identification, Signature of the Witness on the said Mahazar/Ex.P32 is marked as Ex.P32(b). (Since Original Copy of Ex.P32/Mahazar was not available, so the Xerox copy of the same was marked, with the knowledge of the learned Counsel for the D.O.,).

I have got clicked Positive Photographs at the time of drawing the Voice Identification Mahazar/Ex.P32.

On the same day, I have recorded the further Statements of C.W.2, C.W.3, C.W.9, C.W.27 and C.W.28; and Statement of C.W.10.

On 20.08.2014, Police Staff by name Sreenivas/C.W.25 furnished the Acknowledgement issued by R.F.S.L. Raichur, for having received the Articles marked at Article No.1 to Article No.8.

On 09.09.2014, I have recorded the Statements of C.W.8, C.W.14 to C.W.18.

On the same day, I have secured the Service Records/Details of the D.O., Now I see the requisition dated 24.07.2014 issued by me to the Forest Department; and the Service Particulars submitted by Forest Department, Ballari to the said Requisition, pertaining to the D.O.,. On identification, all the documents are collectively marked as Ex.P38.

On 12.09.2014, C.W.19 has given the document showing that C.W.20 was on duty on 23.07.2014. On identification, Letter and Extract from the Attendance Register are collectively marked as Ex.P39 and Signature of the Witness on the Letter/Ex.P39 is marked as Ex.P39(a).

On the same day, I have recorded the Statement of C.W.19; and further Statement of C.W.25.

On the same day, I have received the F.S.L. Report from R.F.S.L. Raichur. On identification, the F.S.L. Report is marked as Ex.P40 and Signature of the Witness on the F.S.L. Report/Ex.P39 is marked as Ex.P40(a).

On 22.09.2014, I have secured the Sketch from A.E.E. P.W.D. Hosapete. On identification, Letter with Sketch is marked as Ex.P41 and Signature of the Witness is marked as Ex.P41(a).

On the same day, I have secured the Attendance Particulars of the Home Guards viz., K.Thippanna – 311, M.V.Manjunath – 388, Sanna Eranna – 357, N.Omkareshwara – 318, K.Bhimappa – 303, from C.W.21. On identification, the said Letter with Attendance Particulars collectively marked as Ex.P42 and Signature of the Witness is marked as Ex.P42(a).

On the same day, I have recorded the Statements of C.W.20 and C.W.21.

On 27.09.2014, I have received the C.D.R. pertaining to the Mobile Phone of the Cleaner/C.W.6. On identification, the said C.D.R. with Particulars collectively marked as Ex.P43 and Signature of the Witness is marked as Ex.P43(a).

On 24.12.2014, I have issued a requisition to the A.D.G.P. to issue Prosecution sanction against the D.O.,

I have secured the Prosecution Sanction Order dated 05.03.2015 issued by the Chief Conservator of Forest, Ballari, which was received by D.I.G.P., on 12.03.2015 and S.P. on 13.03.2015. On identification, the said Sanction Order, Scrutiny Certificate, Chargesheet Certificate and Prosecution Order issued by A.D.G.P., Karnataka Lokayuktha, Bengaluru; collectively marked as Ex.P44; Signature of the Witness is marked as Ex.P44(a).

On 24.03.2015, on finding sufficient materials against the D.O., I have filed the Chargesheet against the D.O., for the offences punishable U/Sec 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act.

I can identify the Photographs clicked during the course of Investigation. The said Photographs are already marked.

Witness identifies the D.O., who is present in the Open Court today.

(At the request of Learned Spl. PP, further examination-in-chief of the Witness is deferred.)

(Typed to my dictation in the open Court)

R O I & A C

(ABDUL-RAHIMAN .A. NANDGADI)
III Additional District & Sessions Judge,
Ballari (sitting at Hosapete).